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DET059863

U.S. DISTRICT COURT IN THE EASTERN DISTRICT OF MICHIGAN

Case:2:13-cv-14054
Judge: Lawson, David M.
MJ: Komives, Paul J.
Filed: 09-23-2013 At 09:37 AM
CMP FAITH ET AL V. SNYDER ET AL (DA
)

Faith
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Detroit, MI 48235

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Andre Taylor
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Detroit, MI 48209

Sam R. Jackson Jr.
2040 Calvert St.
Detroit, MI 48228

Amaicure Harris
20990 Winchester St.
Southfield, MI 48076

Damian Ramon Jackson
24990 Samoset Trail
Southfield, MI 48033

Plaintiff

vs

RICHARD D. SNYDER, in his official capacity
as Governor of the STATE OF MICHIGAN;
All the Republican Legislators of 2011-2012
(Representatives and Senators) who voted for PA 436

Defendant(s)

The Parties, Jurisdiction, and Venue

All parties are citizens of City of Detroit in the great State of Michigan. The injustices that are being perpetrated on the citizens are located in this great State. The Court has Jurisdiction under THE DEPRIVATION OF RIGHTS COLOR OF LAW (18 U.S.C. § 242 18 and 18 U.S.C § 241) and Civil Rights (42 U.S.C. §1986) (see section A), and The Constitution of the United States of America Fourteenth Amendment, the Fifth Amendment and The Freedom of Speech, The Second Amendment of the Constitution for the United States of America.

COMPLIANT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs humbly requests that the U. S. District Court hear this request to up hold the rights of every citizen granted to them first, by the CREATOR OF ALL THINGS, GOD, of this great Republic of the STATE OF MICHIGAN, The Declaration of Independence; The Fourteenth Amendment of the Constitution for The United States of America; The

U.S. DISTRICT COURT IN THE EASTERN DISTRICT OF MICHIGAN

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vs.

RICHARD D. SNYDER, in his official capacity

as Governor of the STATE OF MICHIGAN;
All the Republican Legislators of 2011-2012
(Representatives and Senators) who voted
for PA 436 (see attachments)

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96th REPUBLICAN LEGISLATURE

1. John Walsh
2. Kurt Heide
3. Pat Somerville
4. Anthony Larkin
5. Jeff Buchanan
6. Andrea LaFortune
7. Ken Goike
8. Dale Lund
9. Hugh Crawford
10. Clark Meis
11. Mary Knollenberg
12. Hal Humes
13. Ed. J. Kowall
14. Tom McMullen
15. Brad Ford Jacobson
16. Cindy Denby
17. Phil Scott
18. Mark Outner
19. Rick Olson
20. Dyle Zorn
21. Nancy Jenkins
22. Kenneth Kurtz
23. Mar. Linn
24. Margaret O'Brien
25. James Bolger
26. Greg Polaski
27. Mike Smiley
28. D. H. Rogers
29. Kirk Outner
30. Don Stangor
31. Ken Yankar
32. Peter MacGregor
33. Dave Adams
34. Thomas Hacker
35. Sharon Fisher
36. M. Schellha
37. Anne Kashub
38. J. J. Callahan
39. Kevin Daly
40. Paul Muslew
41. Keith L. Thompson
42. Ben Glendon
43. Lisa Posselt
44. Dennis Evers
45. Mike Cullton
46. Robert Gierski
47. Amanda Price
48. Joseph Haverhill
49. Holly Hughes
50. David E. Gysen
51. Kenneth B. Dean
52. Greg Johnson
53. Jim Somas
54. Helen Oatley
55. Alton Barnstead
56. Roy A. Franz
57. Philip N. Peterson
58. Bruce Bendson
59. Wayne Schmidt
60. Greg MacMurtrei
61. Peter Lumb
62. Frank Foster
63. J. J. McPherson
64. John E. Hunka
65. Patrick Colbeck
66. Tony Roosa
67. Jack Roundenborg
68. Jim Marless
69. John Pappageorge
70. Mike Lovell
71. Bruce Caswell
72. Randy Richardville
73. Mike Noffs
74. Tony S. Seim
75. John Pross
76. Joe Hume
77. Rick Jones
78. Phil Payton
79. David B. Robertson
80. Mark C. Jansen
81. Dave McClelland
82. Arlan B. Maskin
83. Mike Green
84. Roger Kahn
85. Judy K. Evans
86. Geoff Hansen
87. Darwin J. Beecher
88. John Mockwaar
89. Howard Walker
90. Tom Casperson

Defendants

To: The judge that receive this case
From: Faith
September 3, 2013
Subject: Crime Against the Citizens of Michigan

Peace and Love:

I am not apologizing for how this document is put together; I am the person who put this document together. Due to the fact that we did not have money to engage a lawyer, I had to put this document together the best that I could with what knowledge that I could find and understand. I realize that it is extremely important that something be done to stop the eating away of democracy by the Republican Party by using the appearance of the democratic process.

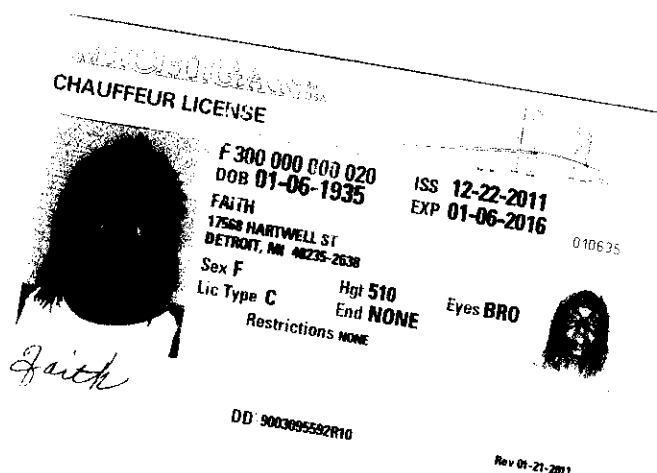
The reason I used the word the appearance of the democratic process is because the Color of Laws that they make are made by people who were elected to carry out the wishes of the people instead of making laws that take away the rights of the people. They totally ignored the voice of the public. They told the Governor and the Republican of the 96th Legislature of the State of Michigan that they did not want an emergency financial manager by voting down PA4 by 52% of the voter on November 6, 2012. By the end of December of 2012 the same Republican 96th Legislature had made a new law expanding PA 4 that was voted out. This told the people of the State of Michigan that they had no input in governing themselves. They will do as they as they are told. If this behavior continues, this country will cease to be the land of the free. We need your help to correct this threat to freedom now.

They made some so called laws that they knew when they were making were in violation of the Constitution. I have enclosed a transcript of their meeting where one senator stated this in one of their meeting. Yet they passed PA 436 at that same session adding a sanction against any one who attempts to get this Act repealed.

I pray that you please read this manuscript and see some validity in it and act to protect the citizens in the State of Michigan and stop this conspiracy to eliminate the middle class of people in America.

Yours for a better life,

Faith
Faith



Federal Color of Law (18 U.S.C. § 242) ; 18 U. S. C. § 241 and Civil Rights 42 U. S.C. § (1986)

The plaintiffs seeks recover of cost of this lawsuit should it prevails.

Plaintiff(s) acknowledge the sole purpose of this lawsuit is to:

1. Stop Richard D. Snyder, Governor of the STATE of MICHIGAN and the MICHIGAN Republican legislators to stop bullying the people of the STATE OF MICHIGAN by making Color of Law laws that take away the rights of the people such as the Color of Law Public Act 436 of 2012 that away the rights of the people and turning cities and districts into mini dictatorships by put Emergency Financial Manager who dictates to the people rather working with the people.
2. Stop them from destroying the unions and other organizes that support the working (middle class) by making and implementing Color of Laws to appear legal.
3. Governor Snyder and the Republicans Legislators of 2011-2012; 2012-2013 took control of the cities, districts and their valuable assets and sold them to the rich and wealthy without any input from their employers, the voters and without Due Process of Law as required by the Constitution for The United States of America Amendment XIV § 1; Amendment V and II.
4. We want these cities and school districts that have been seized under the Color of Law, Public Act 72; Public Act 4; Public Act 436 restored to the citizens. We want all the values and as much money that they had before they were seized. We want Governor Snyder to stop the deliberate attempt to destroy the DETROIT PUBLIC SCHOOL DISTRICT. This is part of the program of destroying the unions. We want this stopped.
5. We want a financial adviser to help the people to manager their money to; raise money to pay all their bills without destroying the unions and selling the properties of the tax payers. It can be done.
6. We want to stop the Governor Snyder acting in his official capacity from destroying the rights of the working class of people that they have gained through the civil rights movement; the unions the Constitution and other Federal Laws.
7. We want Governor Snyder and all the 96th REPUBLICAN LEGISLATORS to step down and not to ever hold an elected position over people again.

Summary

The people repealed Public Act 4 known as the Emergency Financial Act through elections on November 6, 2012. According to the CONSTITUTION FOR THE UNITED STATES, the voice of the people is the highest law in the land. It is cannot be repealed without due process of law or by the people through another election. This was not done after the people voted PA 4 out on November 6, 2012.

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The Republican legislators re-introduced PA 4 in a new bill that was passed and signed into law by Governor Snyder on December 13, 2012. This new law is known today as PA 436. It went into effect March 28, 2013 with a gag order. Any one or group of people try to repeal this Color of Law will be subjected to \$700,000 fine.

The irony of this law is that it states that "*The People of the State of Michigan enact.*" This is the law that the people had just voted out. This is a real slap in the face to most of the people in this great State.

This new law gives the governor the right to appoint "Financial Managers to financial distress school districts and cities. It also gives the financial managers the right to make decisions about these districts and cities without the input of the citizens. His decisions are above the citizens, the employers of the elected. They often go into the cities and sell the property of the citizens without "due process of law" as stated in the Fourteenth Amendment and the Federal law under Color of Law 18 U.S.C. § 242. These financial managers are only accountable to Governor Snyder. It appears that the Republican candidates only ran for offices to do as Sarah Palin said, "to take our country back". There actions since they took their seats as governor, representatives, and senator has been of individuals who came with a complete perceive agenda. The question that came to my mind "who were they going to take their country back from?" Is there a conspiracy to over throw the existing government and implement their idea of a government to do what the Governor Snyder and the Republican Party need to take the "country back in time and back from the middle class of people? I know we had not been invaded and conquered by a foreign country.

Body

According to the transcript of the senate and the house there is a conspiracy to over throw the working class of people. Nothing that the Democratic said was accepted only what the Republicans had to say was accepted. (Michigan Votes) 47

Now, the Republicans are showing us who they intent to take our country back from. They are going to take the country from the working class. They take it from the unions and any groups that give support to the middle class. There is a group that tricked the people to repealing the Affirmative Action Laws. Now, if they could abolish the union, the wealth people could rule as before there were unions, the civil rights era and the new civil right laws of 1964-1965, 1968. They could pay people what they want to regardless of skill and experience; fire people when they want to whether there was justifiable reason(s) or not. They can give raises and promotions as they please to whom they

please without any interference from the government or any one. This will take the country back in time.

In March of 2011 the State passed HB 4224-4218 and Senate Bill 158 which became PA4. In every bill there was an attack on the middle class and the unions. There is something that would abolish the unions.

In 2009 Governor Granholm assigned a financial manger to Detroit School District according to the Michigan Votes, The DSH had 90 million dollars surplus. Why was there a need to take over our school district? She assigned Robb Roberts as EFM. He left the DPS in debt. Today, DPS still have an EFM 14 years later and still not in a better shape.

If the unions are destroyed, question that come back to my mind would we revert back to the time of "Tobacco Road" when people did not have retirement plans because the majority of people did not earn enough money to pay for a retirement plan.

Most people did not earn enough money to pay for insurance . . . medical or life insurance. There were not any educational plans to send children to college. It was an extremely depressed time for most people. It was only the one percent of people who could do the things that could protect families from poverty and distress. I know because I lived before unions became powerful; before the civil right movement and stronger laws passed to protect the rights of all people regardless of race, creed, color, gender or sex preference. If we go back to that time, we go back to the time when people fell dead on the jobs because the jobs were unsafe for many reasons. Owner was not held responsible for their negligent, callous behavior.

If the middle class (working class) people rights are destroyed there will be no one to make enough money to support all classes of this country especially the wealthy. The middle class pays for the all securities systems (home land securities) in this country which protects their homes, land and goods in America

and other countries. They are the people who support this country through their taxes.

One major issue is that is at state is the movement to weaken the Democratic Party.

The destruction of the unions will weaken the chances of the candidates of the Democratic Party to get elected. Without the support of the unions that delivers a large block of votes to the Democratic Party, this increase the chance that Republican Party can get their candidates in power without changes their platform to support the low social economic people.

They can pass any laws that they want that will taking away the rights of the people, against the wishes of the people. The laws read *"The People of the State of Michigan enact."* *THIS NEW LOCAL FINANCIAL STABILITY AND CHOICE ACT states this. This is the same Bill PA 4 that was voted out by the Citizens of Michigan on November 6, 2012. Without questioning the people do not want this same law reenacted in their names. This is an insult to the citizens of this great State and a willful act to bully the citizens.*

The Republicans appear to have planned a political take over before they were elected by using the democratic process to making Color of Laws and using these Color of Laws against the people. They are trying to run the government as they see fit. The voters have no input or power in their own districts. If nothing is done to stop them, they will made laws that dictate how government is run without any input from the people, because the laws that they will be making will say so as they are doing in Michigan.


Michigan is a testing ground to see just how much they can do without being stopped. They are creating a new form of government called a monarchy which is a dictatorship. If it goes well here in Michigan, it will be just a matter of time that the Republicans will try this new platform all over the United States. If they are not doing it now, only the Republican Party

will have power to tell the citizens what to do and it will not stop there.

Under the new monarchy that they have created here in the STATE OF MICHIGAN with these Color of Law laws, the governor is placing Emergency Financial Managers in cities and districts. Only the Emergency Financial Manager has any power to make final decisions about what will be done in the districts and cities where they are placed. This totally nullifies the power of the citizens to participate in how their tax dollars are spent. We, the plaintiff, live, work, and vote in the City of Detroit in the great State of Michigan. We are given the right to protect our God given rights by the Creator often called God. We are given the rights to stand against tyranny. This is tyranny.

“This nation, when established, was founded, on the principles of the Bible. Our Founding Fathers were well versed in the teachings, doctrines, and concepts set forth in the Bible, which is our Book of Guidelines and Laws.

John Jay, the first Chief Justice of the United States Supreme Court, had this to say about God’s Law.

‘Uninspired commentators have dishonored the law, by ascribing to it, in certain a sense and meaning which it did not authorize, and which are Our Savior rejected and approved.’(see attachment B: )

In THE DECLARATION OF INDEPENDENCE it is stated:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. “

- Citizens Rights guaranteed by the CONSTITUTION OF AMERICA, Amendment XIV [1868]
Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
- 1. Governor Snyder and the Republican Legislators knowingly and willfully are making and enforcing laws that are abridging the rights of the citizens of the STATE OF MICHIGAN and are depriving the citizens of this state of their property without due process of law. They are depriving the citizens of Detroit, Pontiac, Benton Harbor, Highland Park, Grand Rapids, Ecorse, Detroit, and a total of 21 cities and districts of the rights to govern themselves.
There is a sign on City of Detroit owned parks at Forest and the Lodge Freeway. There is a discussing of selling The Detroit Institute of Art. Pontiac is a shell of a city all its prize

possessions has been sold or out source to the Oakland County or other county and cities.

2. The Governor has stripped the rights of the citizens to govern themselves by placing Emergency Financial Managers to run their cities. The Emergency Financial Managers have absolute control as to how he wants to manage these cities without interference from any one. They are selling the cities' assets; weakening school districts as in Detroit; leaving citizens (such as) in Highland Park with unmanageable water bills and inferior districts; Grand Rapids conditions are unknown at present; selling valuable property and assets of Benton Harbor; totally destroying the city of Pontiac et cetera.

The governor nullified the votes of the citizens by continuing to placing an Emergency Financial Manager in charge of these cities and districts.

We the citizens of this great State have seen the results of the cities and districts that are under the control of the dictators. Yet, Governor Snyder continues to make stronger laws and send these dictators into our cities and school districts. None of these cities and districts has been restored to health.

3. He totally disenfranchises the citizens of the right to participate how their cities are managed. Public Act 436 gives the governor the right to appoint an Emergency Financial Manager empowering them with complete autonomy and immunity to do as they please with the property of citizens without due process of law. EFM is only accountable to Governor Snyder.
4. There is a threat of \$700,000 fine to stop any one from trying to stop the Republicans from taking the citizens of State of Michigan God Given, unalienable right back from the middle class people and oppressing the lower class.
5. This is tyranny and treason. He is helping the wealthy people to destroy the middle class, take control of citizen property for less than half the market price value.

6. They are violating the 5th and 14th AMENDMENT OF THE CONSTITUTION of UNITED STATES FOR AMERICA; The Federal Color of Law, (18 U.S.C. § 242); Civil Rights (42 U.S.C. § 1986).

According to 42 U. S. C. § 1986, any one who knows that the rights of the people are being taken and do not rise up to stop the perpetrator(s) are just as the guilty of the person(s) who is doing these taking the citizens rights.

All the senators of the 2011-2012 legislators knew the rights of the people were being usurped and they did nothing to inform the people that the Republican Senators were violating the law by pass these bill and the governor signed them into law. It is in the notes that of the discussing of the 2011-2012 Michigan senates. (Michigan Votes A pp, 4-5)

Governor Snyder and the Republican Legislators are making Color of Law laws with the stroke of a pen, implementing mini monarchies with dictators in each city or district to which the Emergency Financial Managers are assigned.

Pontiac is a shell; it is questionable as to whether the City of Pontiac will ever be able to return to a viable independent city again. If so, it will be some distance in the future. I will give details on what has happened there and information on what has happened in the low, social economical predominately black cities throughout this document. (See Attachments C.)

This is not a racial discussion, rather just a description and demography of the cities at present. I do not believe that predominate white cities would be treated this way. It can happen to any city in this State meeting the guidelines in Public Act 436 and several other laws that take away the rights of the voting citizens, let me stress CITIZENS who; EMPLOY the Governor and Legislators; and, under the aforethought Color of Law were stripped of their unalienable rights; and, without

their knowing by EMLOYEES of the State, thus violating the Declaration of Independence which was used to form this great Nation. I doubt it very much.

Just like the money that was taken from Detroit with a stroke of a pen, it could have been given back with a stroke of a pen, if the governor wanted to do that. He as a representative of the Republican Party is going to make sure the wealthy gets wealthier and the middle class get poor. He is also working to prove that a white man is not going to take order from an African-American.

It appears that the only reason that many Republicans got themselves elected to serve in the government was to implement mini monarchies and stop President Obama from being a successful President.

Every program that the President proposes, the Republican Party opposes. This shows that his is not just a State of Michigan conspiracy by a conspiracy of the Republican Party. The tax payer did not elect them to stop progress, and throw this country in ill light of the world. But, rather they were elected to serve the people of the great State of Michigan and bring honor to this great country.

Here in Michigan they are making laws to destroy the middle by destroying the unions and locking the low classes of people to keep them from bettering themselves, and doing everything that they can to elevate the wealth people and releasing them of their responsibilities to this great State and country.

The laws should not be changed for light and transient causes of a few wealthy people of the State of Michigan. This is what the Republicans of the 2011-2012 Legislature and the governor did.

It is the right of the citizens to correct this ill immediately. The vehicle that I am hoping that will help me to correct these ills is the SUPREME COURT of the UNITED STATES OF AMERICA according to the CONSTITUTION FOR THE UNITED STATES, the

STATE OF MICHIGAN CONSTITUTION and the DECELERATION OF INDEPENDENCE, which again states:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. “

We are not seeking to install another government. We are seeking to stop Governor Richard D. Snyder and the Republican Legislators of the 2011-2012, 2012-2013 Congressional Legislature from using the Democratic process to implement a new government with the mere stroke of a pen in the name of the citizens of the great State of Michigan.

This law should be in the names of Governor Richard D. Snyder and the Republican Legislators of 2011 -2012, 2012-2013. I will state again that on each law it said that “The People of the State of Michigan enact” these Color of Laws. When the people are totally opposing the laws and are letting it be know loud and clear.

The majority of the people in the STATE OF MICHIGAN clearly told their employees, the legislators and the governor not to pass laws that take away their rights that are grants to them by the DECLECRATION OF INDEPENDENCE, the CONSTITUTION OF THE UNITED STATES OF AMERICA, Federal Color of Laws, the

Civil Right and by their own CONSTITUTION OF the STATE OF MICHIGAN which respect the Federal Laws as superior to the laws of the States' laws by repeal PA 4 on November 12, 2012.

Both the senators and state representatives passed the bills and the governor signed them into acts, which will become laws. The people repealed Public Act 436 of 2011 under the title, Financial Management of Public Act 4. This new law, Public Act 436 still contains Public Act 4 of 2011 and incorporated a new clause to discourage the people from standing up for their That let us know that we, the citizens, here in the STATE OF MICHIGAN are operating under a monarchy not a democracy. **This is treason incorporated done with a stroke of a pen.**

I find the actions of this 2011-2012 Legislature deeply concerning as should every citizen in the United States. If the legislature can do that here in Michigan, it will be done in other states. If we the citizens are not vigilant, we will wake up one morning living in a police state where citizens can only do as the dictator allows. (e.g. Germany 1939-1945)

When the people speak through the power of the vote; mass public demonstrations and protests; by petitions; and, by letters and phone calls direct to their public elected officials, they are **totally ignored by THEIR EMPLOYERS**, the governor and 2011-2012 Republican legislators, this let us know that the employees of the people have no respect and have conspired against the people and have forgotten who are truly responsible for running the government. The people are responsible for running the government through their elected representatives and senators. The elected officials only have the power that the majority of the people give them. It is our duty and responsible to correct these acts of these traitors. The governor and the Republicans have betrayed the people with making laws against the Citizens' will. According to THE BLACK'S LAW DICTIONARY, P. 1215, this is the act of treason. I know this is a strong statement, but it is truth.

- A traitor, n 1. A person who commits treason against his or her country.
2. One who betrays a person, cause, or an obligation. Black Law Dictionary, Abridge Seventh Edition P. 1215

The governor and the 2011-2012 Republicans Legislators betrayed the people by knowingly going against the wishes of the people, by making Color of Law laws that usurped the rights of the people while these frivolous laws were in the process of being made. Every Republican voted for these laws. They acted though they had made up their minds before they took their seats to pass these laws that nullified the rights of their employers.

It appears to be a conspiracy to overthrow the existing government and implement their own type of government. The audacity of them to think that they can use the democratic process against the will of all of the people in the STATE of MICHIGAN is a travesty and their actions must immediately CEASE and DECIST and be accounted for.

It is the obligation of the public elected official to protect the rights of all citizens. They violated the rights of all the people and are systematically establishing a new government system of their own, a monarchy against the protest of the people.

In March of 2011 the legislators passed a series of Color of Law Bills, House Bills 4214-4218 and the Governor Snyder signed them into law. All these bills infringed on the right of the people in some manner or another and hidden in them a process that would destroy the unions. The people made known their objections to these bills before they were passed by both the house and the senators and signed by the governor. They willfully ignored the will of the people and continued to write and pass Color of Law Bills. They passed these bills, signed them into laws and put them into effect immediately against the will of the citizens. Any thing that the governor and the legislators want, they get it with a stroke of

the pen, not the vote of the people; they simply make a law and impose it to get their desires.

The Governor and Legislators want control of:

1. The firefighters and police pension fund: Why does the State want to control the money of city's employees when the pension fund has not been reported as being mis-managed? Nathaniel Rothschild said, "The person who controls the money controls the world." If the governor controls the pensions' funds, the unions have no power to honor commitments to their members. This will destroy the unions.

2. By breach of contract the members withdraw themselves and unions will cease to exist. The governor wants to destroy all unions. If the contracts are voided between the employers and the unions, the unions are automatically put out of business, they will not have any one to protect and defend their rights against the unfair and unjust employers; nor, will there be any one to see the employees get fair pay and fringe benefits which help them through hard times i.e. as illnesses, job security, insurance for the families etc.

3. This is one of the major reasons the above series of Bill were passed . . . so the governor would have something that appears legal to abolish all unions. Why demolish the unions? The unions support the Democratic Party. Why do unions support the Democratic Party? The Democratic support the working class, the people who pay for Governmental servants and services. It is the working class that the Republican purposes to "take America back" from. America how far back in time do they want to take this country back? I hope not back to horse and buck time. We can not afford to go back when the whole world is moving forward. They want to take OUR country back from the working class to a two class country. They want cheap labor like some of the third -world countries. Shame on them. These are the people who are the back bone of this COUNTRY.

They want to take America back from the working class . . . the people who pay their fair share of taxes that is used to run and maintain this country. They want to take the country back in

time when there were only the Fourteenth Amendment to protect the rights of people. They want to take it back where there are no unions and no civil rights. Do they want to take the rights of women who could not go to seminary and become ministers, get in law schools without a hassle etc? I could go on and on, on the hard ships that many American endured before UNIONS, the CIVIL RIGHT MOVEMENT. They do not know that they do not want to do that. They want to take the power out of all people hands except "white" people. . . Anglo-Saxon especially males.

They want to take back:

4. Detroit water system (this is a big one): Detroit, a City with a predominant African-America population and government that supply many of the predominant white populated cities around it. The cities do not want to pay a fair price for their water especially a city control by African- Americans. It was in the paper that one city pay less for its water than it costs Detroit to produce it.
 5. Cobo Hall and Joe Louis Arena which generates year round revenue.
 6. Bell Isle and the City of Detroit's various resources et cetera.
5. The legislators and the governor changed the recall petition law. This change is to make it harder for the people to recall, a better word to make it harder to fire elected officials, the employees of the citizens, when they do not act in the best interest of the citizens.

The Truth is that the Governor and the Republican legislators are working to take away the rights of the people that were given to them by God and the framers of the United States government in the CONSTITUTION OF THE UNITED STATES FOR AMERICA.

In essence, the Governor and the Republican legislators want control of the citizens and their assets. If the citizens do not agree to their terms of giving the governor what he wants, the

legislators make a law to take it any way. A good example of that is the governor wants Bell Isle.

The people did not agree to let the State of Michigan take control of it. Next, the citizens of Detroit were bombarded and bullied with news of an Emergency Financial Manager being appointed to their city.

If the people do not agree with them, The Governor and the 2011-2012 Legislature make laws against the will of the people, to push their agendas any way. They do not like people (voters, employer of the public employees) exercising their God given, unalienable rights to rule this state in the best interest of the people, not just for a few wealthy business owners.

This state is working to set a precedent for ignoring the wishes of the people, their employers, and doing what the Republican Party wants them to do. The Republican Party is living up to its slogan: "WE ARE TAKING OUR COUNTRY BACK."

With the stroke of a pen, Republicans are taking the country back from hard working Americans, who through taxes, pay for the very positions these Republicans currently, hold. In addition tax dollars pay for the soldiers, sailors, marines, and airmen who, are supposed to support and defend America, who instead unknowingly give their lives protecting the interests of the wealthy, their families and lifestyles in both foreign and domestic countries. **This is Treason**

The Republican Party and any one who thinks like them, needs to stop seeing the world with their greed-driven emotions and see the real world through their intelligence. There would not be an America without people paying *their* fair share of taxes. However, according to the news and President Obama, **the wealthy do not pay their fair share of taxes** yet receive the greatest benefits from taxes, again paid by the working class. Where is the fairness? Where is the balance? Where is the justice?

The interests of the wealthy Republicans are protected by police, FBI, navy, army, air force, Homeland Security, et

cetera. Republicans are crying about the money spent on the low, socioeconomic citizens, which are pennies compared to the amount of money spent protecting the wealthy interests in foreign countries and in our own country. We would not have near as many wars if the interest of the wealthy people in foreign did not have to be protected.

They need to look at the budget that is spent on "Homeland Security." This is money rightfully spent protecting the interest of the wealthy. The wealthy people need the working class and the working class needs the wealthy. The wealthy people help make jobs for people who do not have the resources or know how to make jobs for themselves. If Republicans destroy the working class they are destroying the people who make them rich, keep them rich and protect them. They are acting extremely foolish. They are being ruled by their likes and dislikes not their intelligence and experiences of societies that have gone before them. If they were using their intelligence and the experiences of past societies, they would do everything in their power to stop them.

They believe the people are too blind to understand what the Republican governor and the Republican Legislators are doing here in Michigan; they are taking away the rights of the working class people. They are trying to make only two classes of people, rich and poor. If they would be successful, what group will they destroy next?

The governor and the Republicans have not been able to destroy the unions up to this point. They passed the RIGHT TO WORK LAW. The name sound great but the law undermines the law that gives unions the right to CLOSE SHOP.

I know you know better than me what close shop means, but I am going to tell you the meaning. Close shop means that all hourly workers must belong to the unions and pay their dues.

The RIGHT TO WORK LAW also means employers can hire employees at any salary that they choose, and the union can not do anything about it. I am sure there are some unethical

directives in that law that has not been exposed. The law is so new that I have not had time to examine it. Should you grant me a hearing, I will have studied the law and I will be able to explain some of the things that will be against the working class people and what will strengthen the employer positions over them.

The agreement between the State and Detroit that was made in 1988 by Governor Engler and Mayor Dennis Archer about revenue sharing and monies are the agreement that is being used to deny Detroit their portion of revenue sharing in 1999. This agreement between the State and Detroit is different than the agreements with other cities here in Michigan. The agreement was that the State would give 333 million dollars to Detroit for ten years if Detroit would reduce its income taxes. Detroit honored its agreement but Governor Granholm in 1999, the last year of her reign, did not honor the State commitment. The agreement was in effect from 1989 to 1999.

In the past ten years things drastically changed. Detroit reduced its income taxes as agreed in the agreement; thousand of people had left the city. The housing crisis of 2008 hit Detroit hard. Now, Detroit does not get the 333 million dollars of Revenue Sharing money for the last year that had been promised to it. This meant that Detroit would not get any of the millions of dollars that the casinos pay for being housed in Detroit or the tax dollars collected from the Detroit working class from income taxes or any of the people who were lived out side of Detroit that was employed here because of that special agreement made between Mayor Dennis and Governor Engler.

These casinos generate over 1 million dollars daily, all this money goes directly to the State with no disbursement to Detroit. All cities get a part of the money that they collect and send to the states. This is called revenue sharing. When the agreement between Governor Engler and Mayor Archer was made, the City of Detroit was to get a guaranteed lump sum of money. Revenue sharing for Detroit would not be computed as it had been previously.

Due to loss of revenue, unemployment which caused a reduction in income taxes and the many foreclosures of homes, Detroit did not meet the guidelines put forth in the agreement. Because of no visible income at some point, Detroit could not borrow nor could it issue bonds. Yet, the State would not use the power of the stroke of pen to make new laws or agreement that would release the burden of Detroit. Just as Governor and Mayor Archer had made the agreement with the stroke of a pen, either one of the later governors could have given them back their income tax and a new revenue sharing agreement. The governor saw this as an excellent opportunity to break the unions and take control of the assets and resources that Detroit owned through the making of Color of Law laws.

SUMMARY

The Color of Law gives the Governor the tools he needs to bully the people. Through the Color of Law laws the Republican Party could gain control of all manufacturing cities with strong unions. Once the unions are destroyed the Republicans are believes that they can get some of the support that went to the unions at election time.

The governor can place a dictator (Emergency Financial Manager) in these cities as he is doing to destroy the unions, get control of their property and valuable assets as they are doing, without consent of the people as the federal guidelines states in the 14th amendment of the of the CONSTITUTION OF THE UNITED STATES, the Fifth Amendment and other Federal laws .

In Detroit the goal is to take complete control of the water system, to sell or lease Belle Isle as the Emergency Financial Manger Joe Harris of Benton Harbor did with Klock Park after being appointed by Governor Granholm.

There is a conspiracy to silence tax payers while the government takes control of their properties and assets through Color of Law laws. These Color of Law laws suppose to give the governor the right to put dictators into cities. These laws or agreements also help to create the conditions that the cities meet the guidelines of these Color of Law laws. This is what has happened in Detroit. This is illegal. Simply said, "The laws are illegal." **This is Treason**

They violate the first law of Creation: God gave us sovereignty when humans were created. Francis Beacon called it Natural Law, which was used as a guideline for shaping the Declaration of Independence. The Declaration of Independence upholds sovereignty; The Constitution of the United States, and the Constitution of the State of Michigan uphold sovereignty of the people. The governor can say, "Everything that I do is legal by law." By whom law? He is using the Color of Law laws; Public Act 436 and The Right to Work Law are Color of Law laws used to suppress the freedom of middle and low classes and to protect the interests of the upper class. There are new Color of Law laws are coming out often. By the time you permit us a hearing we will bring the new Color of Laws.

The governor and the 2011-2012 Republican Legislators use the stroke of a pen to make laws that usurp the rights of the people and give the governor the right to appoint dictators to place over cities and school districts that meet the guidelines of the Color of Law laws that they are making.

Why did they not use the stroke of a pen to correct the ills, which they helped to create with the stroke of a pen in these cities and districts? If they were truly interested in helping all the people, they would have sent a financial advisor, with funding, to Detroit and other cities to assist in improving fiscal efficiency and in identifying and generating additional revenues and resources to further support and enhance the city and school district. They would have created new laws stating how to share the revenue sharing money instead of cutting it off from the City of Detroit. Cutting it off helped to create Detroit financial crisis. This might be true in other cities especially Benton Harbor. Governor Granholm knew in 2006 that investors wanted Jean Klock Park just as investors wants

Bell Isle. I do not know for sure but it is worth investigating. (Agreement attached C and B.).

The governor and the Republican legislators are **bullying** the citizens to protect the rich and to exploit the working class people. Everything that protects the rights of the working class is being stolen under Color of Law laws. First, the people were tricked to vote out **Affirmative Action** and now the Republicans

are making the Color of Law laws to nullify the people's rights and bully them.

The rich Republican Tea Party does not pay their fair share of taxes according to the news and President Obama. They are not paying fare price for any thing.

According to the news it cost about 55.7 millions dollars to build the Silver Dome in Pontiac, but it was sold for \$585,000. Jean Klock Park was sold about \$102,000, which is worth well over 1 million dollars. Another source said the true value is unknown. If they do not think about what is best for this country as a whole, some one must think for all of us. This is why I am asking you, the Eastern District Supreme Court of the United States, to stop the Governor, and the Republican legislators of 2011-2012 and 2013-2014 Legislature of the State of Michigan, from using the democratic process, from making Color of Law laws to disenfranchise the working class and to stop violating the rights of those of whom they have been put in place to protect and serve, the voters, their Employers.

THINGS THAT HAS BEEN DONE TO ABOLISH THE RIGHTS OF THE PEOPLE

- 1) Laws have been passed to take away the rights of the voting class of people.
- 2) Laws were made to put the manufacturing cities in a bind. This is where the strong unions are. The unions present a threat to the Republican Party because they support the Democratic Party, which in turn supports them.
- 3) These the Color of Law laws have been put in place to bring forth a dictatorship in the cities with the strongest union representation. The Emergency Financial Manger can do anything he or she chooses, which includes dissolving all contracts made by the cities, selling properties and goods without the consent of the citizens.
If the union has no power to protect the workers, it ceases to be a union and is no longer a threat to the Republican Party. The first example of this as reported in the News during March 2013, is the consideration of the Governor of the State of Michigan to withhold funds from Wayne State University as a

sanction for not supporting the “Right to Work” law, which would have in fact, dissolved professional unions, of which the University’s professors are members. Wayne State reported that they support unions and that they are good for its professors and the University

- 4) The Emergency Financial Manager has the power to take break contracts and take pensions of union workers, which are voters/employers of the governor and Legislators. If the pension is taken away, the unions can not honor their contractual obligations; there will no longer be a union because the members would no longer support them, therefore dissolving unions leaving their workers vulnerable, and Democratic Party with any financial backing.
- 5) **“The person who has control of the money has control of everything”**. The voters need employees who are accountable to them not to a few wealthy people. Again, these Color of Laws that have been passed by 2011-2013 Legislature and are being passed by the 2013-2014 Legislature and signed by the Governor Snyder are mainly to control the vote of the people to weaken the Democratic Party that support the working class. This is: TAXATION WITHOUT REPRESENTATION IN AMERICA

A BRIEF LOOK AT THE CITY OF PONTIAC (Attach C)

No one has any power except the Emergency Financial Manager. The Emergency Financial Manager has sold the assets of the City and privatized nearly every service Pontiac once provided to its citizens.

- In Pontiac, Michigan all the employers’ values has been sold to some wealthy person for far less than market value without the consent of the voters.
- The Silver Dome was sold by Emergency Financial Manager, Fred Leeb.
- Police has been out sourced to the County.
- Fire department belongs to Waterford Township.
- The City once had 600 employees. Now, it has 50 employees.
- Parking meters have been sold.

There is no City government to rebuild the city of Pontiac according to an article in the New York Time by Seven Yaccino "LESSONS FOR DETROIT IN A CITY'S TAKE OVER".

'It's not really a city anymore,' said Steve Swift, a Pontiac resident. 'There's nothing left now.'

According to this article, Pontiac is worse off now than before the Governor sent an Emergency Financial Manager there. This is the same story in Benton Harbor.

We cannot stand by and let the governor and the Republican legislators usurp the power of the vote, for which so many people have given their lives, to turn this state into a monarchy. It will be just a matter of time before other states will do the same thing if they are not already doing so.

The Corporation, called the STATE OF MICHIGAN has over stepped its power through the Governor and the Republican legislators of the 2011-2012 Legislative body, given to them by the democratic process of electing people to act in the best interest of all the people of the state of Michigan. What is being done is not in the best interest of any of the citizens of this State, not even the legislative members and the Governor who are writing and passing these laws.

The people of the State of Michigan hired the Governor, the senators, and representatives to act in their behalf, their employees were conspiring secretly to immediately make another Color of Law law to usurp their right from them knowing that they would not have the time to repeal this new law by the democratic process of election. They conspired in secret to take their EMPLOYERS' kingdom without letting them know what they were doing.

Technically, this was an act of treason against their EMPLOYERS, the citizen/voters, of this great State of MICHIGAN and God. This was an act to disenfranchise the citizens for some reason that has not been made clear to all the people. I believe this is part of the Republican Party agenda of taking what they called their "country back". They have forgotten that this Country belongs to all Americans. **This** is treason.

“Treason is the offense of attempting to over throw the government of the state to which one owes allegiance, either by making war against the state or by materially supporting its enemies.”

BLACK’S LAW DICTIONARY, p. 1219

The governor and the Republican legislators are the enemies of the people in the State of MICHIGAN. They are systemically destroying the fiber of many cities to support the agenda of the Republican Party and the wealthy members of society by stealing the goods of all the citizens of these cities where they put Emergency Financial Managers. In some cities the Emergency Financial Managers have sold value properties to wealthy people and positioned themselves to capitalize off of future earnings of those companies. (Fred Leeb, Pontiac EFM Attachment C). He is the manager of the Silverdome for the man that he sold it to.

Only the Republican legislators and the Governor of this Great State of MICHIGAN are using the democratic process to systematically undermine the power of the people who elected them to represent their best interests, are implementing a “monarchy”. A democratic process implemented as it was intended to do, say the majority of the people agree, consent and are willing to support and obey that law without being coerced, bullied or forced to accept it with no say. This is not true of the new laws, especially the Emergency Financial Manager law Public Act 436. It sanctions of \$700,000 against every one who opposes this law by the process that has been given people to guard against tyranny and to protect their freedom of speech and choices by the electoral process.

Monarchy means a government in which a single person rules, with powers varying from Absolute dictatorship to merely ceremonial. .” BLACK’S LAW DICTIONARY, p. 644

Public Act 436 appears to be in the interest of the people’s employees best instead of the best interest of the people who hired them. This Act takes away the rights of the people under the disguise of protecting the people.

Public Act 436 of 2012 passed by Legislative and signed by the Governor Richard Snyder named "LOCAL FINANCIAL STABILITY AND CHOICE ACT" is an Act that nullifies the right of the people, who voted the Governor and Legislators in, to protect the rights of all people of this State. They implement what they want against the wishes of their employers, the people. This Act was repealed in the November 6, 2012 election by the majority of the people, by December 5th, it was back on the floor of the senate to be re-enacted into law knowing that it was against the wishes of the voters.

After the bill was introduced in 2011 with a group of bills HB 4214 - HB 4218 and Senate Bill 158, people by the thousands went to the state capitol to protest the passing of these bills. They were passed with over 10,000 people standing on the out side protesting. The Financial Manager Law of 2011 was repealed on November 6, 2012. Less than a month (25 days) the Senator Phillip Pavlov had reintroduced the bill back into the Michigan Legislature by December 5th, 2012 or before. On December 5th -2012 the House suspended the rule, motion to discharge committee approved, placed on a second reading. Question; When was it first reading? According to the history of Act 436, the legislators' actions show that they never intended to respect the wishes of their superiors (the people). (See attachment E, Michigan Votes) They are determined to do as they see fit even though the people are supposed to have the final say about how government is run.

They timed their action just right to make sure the people could not vote this Act out even if they ignore the fine of \$700,000 if the people tried to remove this Act. This Act has the Public Act 4 and the present Emergency Financial Manager PA 72, as part of the new Public Act 436.

These Acts has been used to destroy the City of Pontiac, weaken Benton Harbor, left Highland Park in a serious water crisis by privatizing it water. According to the New York Times article Pontiac is nothing but a shell. In 2009 when Governor Jennifer Granholm assigned an Emergency Financial Manger to Pontiac it has an income of 51 million dollars a year. As of 2012

it had an income of less than 34 million dollars and steadily declining. No police department, no fire department, no parks, only 50 employees remaining out of 600 in 2009. The governor knows this and he has made no effort to change this pathetic situation. The Detroit School District has cost citizens thousands of unnecessary costs, because the Financial Manager did not manage the money well. The governor has placed other cities under the same chopping block. All articles are in Attachments C.

SUMMARY:

The governor and the Republican legislators totally ignored the wishes of their employers, the voters. The Voters voted Public Act 4 of 2011 out. While the voters were removing this Public Act 4 of 2011, the Republican legislators were working on pass another expanded version of the same Act under Bill 0865 of 2011. This same bill has been passed and signed into law by Governor Snyder with some additional SANCTIONS as Public Act 436 of 2012.

One can tell by the timeline of the Bill that the Republican legislators and the governor had no intention of honoring the voice of the PEOPLE who hired them. If they had no intention of honoring the voice of the people, then what makes the people think that they will honor wishes the people who hired them in the future? They are determined to put a dictator in the STRONG UNION populated cities. Their goal is to destroy the unions for these reasons:

1. To destroy the strong support that the unions give to the Democratic Party, all their members votes for the Democratic Party, the party that supports them. If they can destroy the strong support that the UNIONS give to Democratic Party, they believe that the Republican Party could gain enough seats in both houses to over rule the power of all executives in all levels of government, federal, state and local.
2. Once the unions are destroyed the employers can treat people any way they desire. They can fire them without justifiable causes. They can take us back to the times that employees did not have any protections under the law. People can fall dead

on the job as they did many years ago and there was nothing to help their families. I can remember when people, who worked in the foundry of the automakers, fell dead on the job. There were no laws that required employers to improve the working conditions on the jobs that caused workers to fall dead until the auto industries got unions.

Because the legislators and the Governor have put an illegal law on the book in the name of the people, the Governor is putting Emergency Financial Managers, another name for dictators, in the cities and destroying them. This is overtly destroying the rights of the citizen and destroying their properties. This is an illegal act of TREASON against the people of the STATE OF MICHIGAN and technically, also, of the United States of America because these people are citizens of both entities.

They have robbed the people of their rights to participate in governing themselves and the right to protect their properties that they, the taxpayers, have purchased, with the stroke of a pen.

This is treason against the people of the STATE OF MICHIGAN; to abort the rights of the voters and implementing another government system, a dictatorship, which is a monarchy, a slap in the face of the people that is governed by a government of the people, for the people by the people, as indicated in the Preamble of the UNITED STATES CONSTITUTION.

I think that they think that low social economic people are too illiterate to know the difference. Their illiteracy will not permit them to act. First, the working class is not illiterate. They are the people who teach all people of all classes. Not only are the working class acting, their actions are the reason that the Republicans are saying that "they must take their Country back". The working class is the people who have fought and gave their lives to make this society better for all classes of people. People all over the State are acting. They want the Color of Law laws abolished, and all goods and properties restored back to the people, at the expense of those who empowered the Emergency Financial Managers under Color of

Law laws knowing the detriment it would cause; and over the protest of the people; Identified as Governor Rick D. Snyder and the 96th Republican Legislature. The 96th Legislature, (see names attacked) and the Emergency Financial Managers who stole, sold and capitalized on the liquidation of City's assets and future earnings of those assets Identified as (Attachment F).

Plato said in the REPUBLIC, where there are "too many laws there are no laws". There are too many laws on the books concerning how our cities should be run. Too many of these laws abridge the rights of the citizens. At no time should there be a law to abolish the rights of the citizens.

The courts have found trivial things for not hearing cases. To slow down the petition drive to put Public Act 4 on the ballot, the court said that they were in the wrong size of font, an excuse to keep from hearing other cases.

1. The legislators created more than one bill, to give power for the governor to appoint an Emergency Financial Manager. They have passed more than one bill to stop the people from removing the power of the Governor to appoint an Emergency Financial Manager. There is always another bill introduced and passed to give the Governor the power to do what he wants without the consent of the voters. This is tricky, sneaky, slimy, behavior.

Governor Snyder has just recently assigned an EMERGENCY FINANCIAL MANAGER in the City of Detroit knowing that only one of the districts that have an EMERGENCY FINANCIAL MANAGER has been reported doing satisfactory. The city of Ecorse is doing fair. The Emergency Financial Manager included the citizens of Ecorse in helping to solve their problems. The city still has not decided how they are going to raise revenue to guarantee that it will never be found in this position again.

The crash of the banks helped to put cities in the position of needing an Emergency Financial Manager. The property value dropped drastically as it did all over the country, after greedy loaners inflated the value of houses before the banks crashed.

The prices of houses dropped dramatically which meant the tax revenue also dropped. The cities should have had financial aid and financial advisors to help them to devise a system that would have prevented this hostile takeover, under Emergency Financial Managers as appointed by Governor Snyder and the 96th Legislature. Detroit Public School District is still unstable as well as the many cities under the current dictatorship.

Summary in less than 60 words: The state should have released emergence aid to the cities, sent a financial advisor to help them to develop new plans to increase revenue for their districts or cities. This would have increased the value of the State, the stability of the cities and districts and show true love for the citizens of the State and the Country. The attitude should have been "we are in this together."

The criteria for filing this law suite are as follow:

Not only did they use Color of laws to nullify the rights of people; first they made these laws; then, Governor Snyder used them to usurp the rights of the people to put in the Republican agenda of taking the country back from the Middle class working but also to take them back to an unfavorable, laborious, time when only white, Angelo-Saxon males had the power to make decisions and run this country.

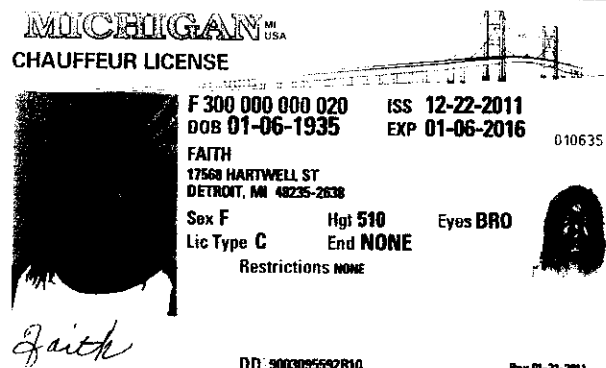
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Laws
A-1

CONSPIRACY AGAINST RIGHTS

Summary:

- Section 241 of Title 18 is the civil rights conspiracy statute. Section 241 makes it unlawful for two or more persons to agree together to injure, threaten, or intimidate a person in any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same). Unlike most conspiracy statutes, Section 241 does not require that one of the conspirators commit an overt act prior to the conspiracy becoming a crime. The offense is punishable by a range of imprisonment up to a life term or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

TITLE 18, U.S.C., SECTION 241

- *If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same;... They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.*

Laws

18 USC § 242 - Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

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Under both the Fifth and Fourteenth Amendments to the U.S. Constitution, neither the federal government nor state governments may deprive any person "of life, liberty, or property without due process of law." A similar due process provision was found in the Magna Charta, as well as early state constitutions. Chief Justice William Howard Taft explained the purpose behind the clauses in *Truax v. Corrigan* (1921) as follows: "The due process clause requires that every man shall have the protection of his day in court, and the benefit of the general law, a law which hears before it condemns, which proceeds not arbitrarily or capriciously, but upon inquiry, and renders judgment only after trial, so that every citizen shall hold his life, liberty, property and immunities under the protection of the general rules which govern society. It, of course, tends to secure equality of law in the sense that it makes a required minimum of protection for every one's right of life, liberty, and property, which the Congress or the Legislature may not withhold."

Courts have interpreted the due process clauses as providing two distinct limitations on government. First, the clauses provide for procedural due process, which requires the government to follow certain procedures before it deprives a person of life, liberty, or property. Cases that address procedural due process usually focus on the type of notice that is required of the government or the type of hearing that must be held when the government takes a particular action. Second, the clauses establish substantive due process, under which courts determine whether the government has sufficient justification for its actions. Because courts use substantive due process to protect certain fundamental rights of U.S. citizens, issues related to substantive due process

<http://civilrights.uslegal.com/due-process-violation/>

5/19/2013

14th and 15th

The property of Benton Harbor and Pontiac was taken from the people

The FM do not need due process

have been the subject of extensive debate.

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Deprivation of Liberty

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The U.S. Supreme Court has sought on a few occasions to clarify the meaning of the term "liberty," though the term has never had a precise definition. In *Meyer v. Nebraska* (1923), the Court stated that liberty "denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience and generally to enjoy those privileges long recognized as essential to the orderly pursuit of happiness of free men." This statement has been quoted by several subsequent Supreme Court cases.

Liberty interests are most clearly involved when the government's action results in physical restraint, especially in cases involving prisoners. In the examples below, the Supreme Court determined that the government was required to provide due process because of the deprivation of liberty interests:

- Revocation of parole (*Morrissey v. Brewer* [1972])
- Revocation of probation (*Gagnon v. Scarpelli* [1973])
- Revocation of "good time credits" awarded to prisoners under state law (*Wolff v. McDonnell* [1974])
- Involuntary civil commitment to a mental institution (*Addington v. Texas* [1979])
- Transfer of inmates to a strict ("supermax") prison facility (*Wilkinson v. Austin* [2005])
- Transfer of a prisoner to a mental hospital (*Vitek v. Jones* [1980])
- Involuntary administration of antipsychotic medications (*Washington v.*

*In Fontaine
the parts
and play areas
is no longer
owned by the
city. They are
controlled by
a private company*

Harper [1990])

By comparison, the Court has refused to recognize other forms of liberty interests related to prisoners, including the following examples:

- Remaining in a minimum security prison, as opposed to a maximum security prison (*Meachum v. Fano* [1976])
- A review of a prisoner's request to commute his life sentence (*Connecticut Board of Pardons v. Dumschat* [1981])
- Visitation, including visits from family members (*Kentucky Department of Corrections v. Thompson* [1989])
- Rescission of discretionary **parole** prior to a prisoner's release (*Jago v. Van Curen* [1981])

In addition to restrictions on physical freedom, liberty interests include all of the rights that are granted to the people either expressly in the Constitution, such as freedom of speech or freedom from unreasonable searches and seizures. Liberty also includes rights that are implied from the Constitution by the courts, such as the fundamental right for parents to raise their children.

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Deprivation of Property

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The Constitution clearly requires that the government must provide due process before it deprives a person of real or personal property. The issue that is most often in dispute in this context is whether a person has a property interest in a government benefit. The Supreme Court, in *Roth v. Board of Regents* (1970), noted that, "[t]o have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim or entitlement to it." Hence, the key to whether a person has a property interest in a benefit is whether that person is entitled to the benefit.

In order to determine whether a person is entitled to a benefit, courts generally consider the terms under which the government has offered the benefit. If a government employee has a reasonable expectation that he or she will continue to receive a benefit, then the person may successfully assert that he or she has a recognized property interest in the benefit. For instance, a public employee who holds a position that is terminable at the will of either party does not generally have a property interest in that position. *Bishop v. Wood* (1976). However, where a state statute allows public servants to retain the positions in the absence of "misfeasance, malfeasance, or nonfeasance in office," the person could have a property interest in continued employment. *Cleveland Board of Education v. Loudermill* (1985). The Supreme Court has recognized property interests protected by the due process clauses in the following instances:

- A state **statute** allowing the government to aid in the collection of debts through wage garnishment without notice or a hearing violated due

Sold the property of Pontiac with due process of law.

process rights of the person whose wages were garnished (*Sniadach v. Family Finance Corp. of Bay View* [1969])

- Welfare recipients were entitled to notice and a hearing prior to the termination of public assistance payments (*Goldberg v. Kelly* [1970])
- Suspension of a driver's license by a state department of public safety required notice and a hearing (*Bell v. Burson* [1971])
- A teacher who was employed by a junior college under a series of one-year contracts could prove entitlement to continued employment based on a provision of an employee handbook (*Perry v. Sinderman* [1972])

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42 U.S.C. § 1986 provides that every person who has knowledge that a wrongful act is about to be committed and having the power to prevent the commission of such wrong neglects or refuses so to do, is liable to the party injured for all damages caused by the wrongful act. The defendant in a § 1986 action need not have participated in the conspiracy or the commission of the act. The defendant, however, must have had actual knowledge of the conspiracy. Mere negligence to act on the part of the defendant will be sufficient to attach liability under § 1986.

Any number of persons guilty of wrongful neglect or refusal may be joined as defendants in a § 1986 action. If the death of any party was caused as a result of the wrongful act and neglect, the legal representatives of the deceased can sue to recover an amount not exceeding five thousand dollars in damages for the benefit of the widow or the next of kin of the deceased. However, the action under § 1986 must be initiated within one year after the cause of action accrued. 42 U.S.C. § 1986 specifically sets forth a one-year statute of limitations for actions arising thereunder.

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Civil Rights Act of 1866, 14 Stat. 27 (1866).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

SEC. 2. And be it further enacted, That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 6. And be it further enacted, That any person who shall knowingly and wilfully obstruct, hinder, or prevent any officer, or other person charged with the execution of any warrant or process issued under the provisions of this act... [shall] be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months....

Civil Rights Act of 1870 (The Enforcement Act), 16 Stat. 140 (1870).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all citizens of the United States who are or shall be otherwise qualified by law to vote at any election... shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude....

SEC. 2. And be it further enacted, That it shall be the duty of every person and officer to give to all citizens of the United States the same and equal opportunity to perform [any] prerequisite, and to become qualified to vote without distinction of race, color, or previous condition of servitude; and if any person or officer shall refuse or knowingly omit to give full effect to this section, he shall... be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than five hundred dollars, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

SEC. 6. And be it further enacted, That if two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States, or because of his having exercised the same, such persons shall be held guilty of felony, and, on conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court, the fine not to exceed five thousand dollars, and the imprisonment not to exceed ten years, - and shall, moreover, be thereafter ineligible to, and disabled from holding, any office or place of honor, profit, or trust created by the Constitution or laws of the United States.

SEC. 17. And be it further enacted, That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by the last preceding section [giving all persons the same rights as white citizens] of this act, or to different punishment, pains, or penalties on account of such person being an alien, or by reason of his color or race, than is prescribed for the punishment of citizens, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

Civil Rights Act of 1871, 17 Stat. 13 (1871).

SEC. 2. That if two or more persons within any State or Territory of the United States shall conspire together to overthrow, or to put down, or to destroy by force the government of the United States, or to levy war against the United States, or to oppose by force the authority of the government of the United States, or by force, intimidation, or threat to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, or by force, intimidation, or threat to prevent any person from accepting or holding any office or trust or place of confidence under the United States, or from discharging the duties thereof, or by force, intimidation, or threat to induce any officer of the United States to leave any State, district, or place where his duties as such officer might lawfully be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or to injure his person while engaged in the lawful discharge of the duties of his office, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duty, or by force, intimidation, or threat to deter any party or witness in any court of the United States from attending such court, or from testifying in any matter pending in such court fully, freely, and truthfully, or to injure any such party or witness in his person or property on account of his having so attended or testified, or by force, intimidation, or threat to influence the verdict, presentment, or indictment, of any juror or grand juror in any court of the United States, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or on account of his being or having been such juror, or shall conspire together, or go in disguise upon the public highway or upon the premises of another for the purpose, either directly or indirectly, of depriving any person or any class of persons of the equal protection of the laws, or of equal privileges or immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State from giving or securing to all persons within such State the equal protection of the laws, or shall conspire together for the purpose of in any manner impeding, hindering, obstructing, or defeating the due course of justice in any State or Territory, with intent to deny to any citizen of the United States the due and equal protection of the laws, or to injure any person in his person or his property for lawfully enforcing the right of any person or class of persons to the equal protection of the laws, or by force, intimidation, or threat to prevent any citizen of the United States lawfully entitled to vote from giving his support or advocacy in a lawful manner towards or in favor of the election of any lawfully qualified person as an elector of President or Vice-President of the United States, or as a member of the Congress of the United States, or to injure any such citizen in his person or property on account of such support or advocacy, each and every person so offending shall be deemed guilty of a high crime, and, upon conviction thereof in any district or circuit court of the United States or district or supreme court of any Territory of the United States having jurisdiction of similar offences, shall be punished by a fine not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, as the court may determine, for a period of not less than six months nor more than six years, as the court may determine, or by both such fine and imprisonment as the court shall determine....

Civil Rights Act of 1875, 18 Stat. 335 (1875).

Whereas, it is essential to just government we recognize the equality of all men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the appropriate object of legislation to enact great fundamental principles into law: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year....

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as a grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor and be fined not more than five thousand dollars.

[law/addoncases.htm]

Laws

Civil Rights - Civil Rights

Civil rights are rights that are bestowed by nations on those within their boundaries. A civil right is a right or privilege that can be enforced by an individual. This means that if a person violates another's civil rights, it gives the later a right to an action for injury. Examples of civil rights are freedom of speech, press, and assembly; the right to vote; freedom from involuntary servitude; and the right to equality in public places. Violations of civil rights occur in instances of discrimination against an individual solely because of his/her membership in a particular group or class. Statutes have been enacted to prevent discrimination based on a person's race, sex, religion, age, previous condition of servitude, physical limitation, national origin, and in some instances, even sexual preference.

Civil rights include a class of rights and freedoms that protect individuals from unwarranted government action and ensure one's ability to participate in civil and political affairs without discrimination or repression.

Civil rights laws include:

- Laws ensuring peoples' physical integrity and safety and laws to make sure that people are not forced into labor.
- Laws protecting people from private (non-government) discrimination (based on gender, religion, race, sexual orientation, etc.)
- Laws providing equal access to health care, education, culture, etc.

Civil rights were among the first to be recognized and codified. In many countries, they are called constitutional rights and are included in a bill of rights or similar document. They are also defined in international human rights instruments, such as the International Covenant on Civil and Political Rights. The first portion of the Universal Declaration of Human Rights Civil covers civil rights.

Since civil rights are often considered to be natural rights, they should be protected even if they are not codified. However, most democracies worldwide do have formal written guarantees of civil rights.

quote!

Custom also plays a role in protecting civil rights. Many of the civil rights are implied rights that courts find as existing even though not expressly guaranteed by written law or custom. One example is the right to privacy in the United States.

Although civil rights are considered to be universal rights that apply to all persons, the question of who specific civil rights apply to is a subject of some

controversy. In many countries, citizens have greater protections against infringement of rights than non-citizens; at the same time, civil and political rights are considered to be universal rights that apply to all persons. When civil and political rights are not guaranteed to all as part of equal protection of laws, social unrest may ensue.

The most important expansion of civil rights in the United States was the enactment of the 13th and 14th Amendments. The 14th Amendment abolished slavery throughout the United States. In response to the 13th Amendment, various states enacted "black codes" which were intended to limit the civil rights of the newly freed slaves. In 1868, the 14th Amendment was passed to counter the "black codes" and ensure that no state "shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States... [or] deprive any person of life, liberty, or property without due process of law. [or] deny to any person within its jurisdiction the equal protection of the laws." Congress was also given power by section five of the 14th Amendment to pass any laws needed for its enforcement.

Later, Congress enacted numerous civil rights statutes to protect individuals from discrimination and from the deprivation of their civil rights. Section 1981 of Title 42 (Equal Rights under the Law) protects individuals from discrimination based on race in making and enforcing contracts, participating in lawsuits, and giving evidence. Other statutes that protect against discrimination include: Civil Action for Deprivation of Rights, Conspiracies to Interfere with Civil Rights, Conspiracy Against Rights of Citizens, Deprivation of Rights under Color of Law, and the Jurisdictional Statute for Civil Rights Cases.

The most prominent civil rights legislation since reconstruction is the Civil Rights Act of 1964. Congress enacted the Civil Rights Act of 1964 in order to regulate the actions of individuals. Although the 14th Amendment prohibited discrimination, the Supreme Court limited Congressional enforcement of the 14th Amendment to state action. Congress, using its power to regulate interstate commerce, enacted the Civil Rights Act to forbid discrimination based on "race, color, religion, or national origin" in public establishments that had a connection to interstate commerce. Public establishments were taken to include places of public accommodation (e.g., hotels, motels, and trailer parks), restaurants, gas stations, bars, taverns, and places of entertainment in general. The Civil Rights Act of 1964 and subsequent legislation also declared a strong legislative policy against discrimination in public schools and colleges which aided in desegregation. Title VI of the Civil Rights Act prohibits discrimination

*these are
being denied
protections under
the 14th
amendment
privileges or
immunities
of citizens of
United States
P.A 439*

in federally funded programs. Title VII of the Civil Rights Act prohibits employment discrimination where the employer is engaged in interstate commerce. Congress has also passed numerous other laws dealing with employment discrimination.

The judiciary, most notably the Supreme Court, plays a crucial role in interpreting the extent of the civil rights. A single Supreme Court ruling can change the very nature of a right throughout the entire country. The federal courts are also crucial in mandating and supervising school desegregation programs and other programs established to rectify state or local discrimination. Further, state constitutions, statutes and municipal ordinances also provide further protection of civil rights.

The existence of civil rights and liberties are recognized internationally by numerous agreements and declarations. Often these rights are included in agreements in which nations pledge themselves to the general protection of Human Rights. The most notable international agreement on civil rights is the "The International Covenant on Civil and Political Rights" to which most nations of the world including the United States is a party.

** * **
look up.
Inside Civil Rights

Bulky

Harris

Bellant for Detroit City Council, District 3

Plan to Disconnect Street Lights in Detroit

Dear District 3 Resident:

The Mayor and DTE developed a plan that proposed to eliminate 42,000 street lights in Detroit, which is 47% of the 88,000 that we have. This will obviously darken streets further, worsen crime and make it less safe for Police, Fire and EMS to operate on our streets. It will cause more people to leave our area and thus worsen blight. Further, Gov. Rick Snyder's "Emergency" Manager has stated his intention to further this Darken Detroit plan.

The EM has now said that he will unplug the Public Lighting Department (PLD) and turn all power supply, including street lights, to DTE. PLD subsidizes our street light costs with electricity sales to over 100 customers. That means that we will have to now be required to pay new retail rates to DTE for lights and for power to City buildings, schools and libraries. This action by Snyder and his EM is ILLEGAL and UNCONSTITUTIONAL.

I am requesting that you call me at 368-2148 to discuss getting involved to stop these plans so that we can act now. Please alert your neighbors, block clubs and any concerned parties about this threat to our well being. I will present in detail this problem to any neighborhood group, even if it is an informal gathering. This can be stopped, but it will not be unless we act. Call me to begin this action.

Russ Bellant

Russ Bellant, 19619 Helen St, Detroit MI 48234 • 313.368.2148 • russbellant@yahoo.com • bellant4detroit.com

They are cutting out the lights now.



Civil Rights

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Color of Law Abuses



U.S. law enforcement officers and other officials like judges, prosecutors, and security guards have been given tremendous power by local, state, and federal government agencies—authority they must have to enforce the law and ensure justice in our country. These powers include the authority to detain and arrest suspects, to search and seize property, to bring criminal charges, to make rulings in court, and to use deadly force in certain situations.

Preventing abuse of this authority, however, is equally necessary to the health of our nation's democracy. That's why it's a federal crime for anyone acting under "color of law" willfully to deprive or

conspire to deprive a person of a right protected by the Constitution or U.S. law. "Color of law" simply means that the person is using authority given to him or her by a local, state, or federal government agency.

The FBI is the lead federal agency for investigating color of law abuses, which include acts carried out by government officials operating both within and beyond the limits of their lawful authority. Off-duty conduct may be covered if the perpetrator asserted his or her official status in some way.

During 2012, 42 percent of the FBI's total civil rights caseload involved color of law issues—there were 380 color of law cases opened during the year. Most of the cases involved crimes that fell into five broad areas:

- | Excessive force;
- | Sexual assaults;
- | False arrest and fabrication of evidence;
- | Deprivation of property; and
- | Failure to keep from harm.

Excessive force: In making arrests, maintaining order, and defending life, law enforcement officers are allowed to use whatever force is "reasonably" necessary. The breadth and scope of the use of force is vast—from just the physical presence of the officer...to the use of deadly force. Violations of federal law occur when it can be shown that the force used was willfully "unreasonable" or "excessive."

Sexual assaults by officials acting under color of law can happen in jails, during traffic stops, or in other settings where officials might use their position of authority to coerce an individual into sexual compliance. The compliance is generally gained because of a threat of an official action against the person if he or she doesn't comply.

False arrest and fabrication of evidence: The Fourth Amendment of the U.S. Constitution guarantees the right against unreasonable searches or seizures. A law enforcement official using authority provided under the color of law is allowed to stop individuals and, under certain circumstances, to search them and

Key Civil Rights Links

Civil Rights Home

Priority Issues

- [Hate Crime](#)
- [Human Trafficking/Involuntary Servitude](#)
- ["Color of Law" Abuses](#)
- [Freedom of Access to Clinic Entrances](#)

Report Civil Rights Violations

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- [File a Report on Our Internet Tip Line](#)

Lighting Authority and Electricity Customer Transition: Next Steps

City of Detroit
February 17, 2012



Streetlights – New “footprint” will improve service while it does not dramatically impact the budget

- The City has experienced a material shift in its population (now 715,000) and a shift in centers of concentration around Detroit.
- The new footprint will be strategically placed to reflect the current lighting needs of Detroit
- 20,000 lights will be removed from alleyways and approximately 22,000 (most non-functioning) will be removed from streets

	Current	Future
# of streetlights	88,000	46,000
# functioning	~58,000	46,000
Annual power consumption	33,000 on City grid ~ 35m kWh 55,000 on DTE grid ~ N/A fixed fee	46,000 lights ~ 48 mikWh
Electricity expense	~ \$2.2m	N/A
O&M expense ¹	~\$12.8 m (Incl. personnel and O&M)	~10.1m
Debt service	\$0.0	~12.0m
Annual expense	\$15.0m	\$22.1m

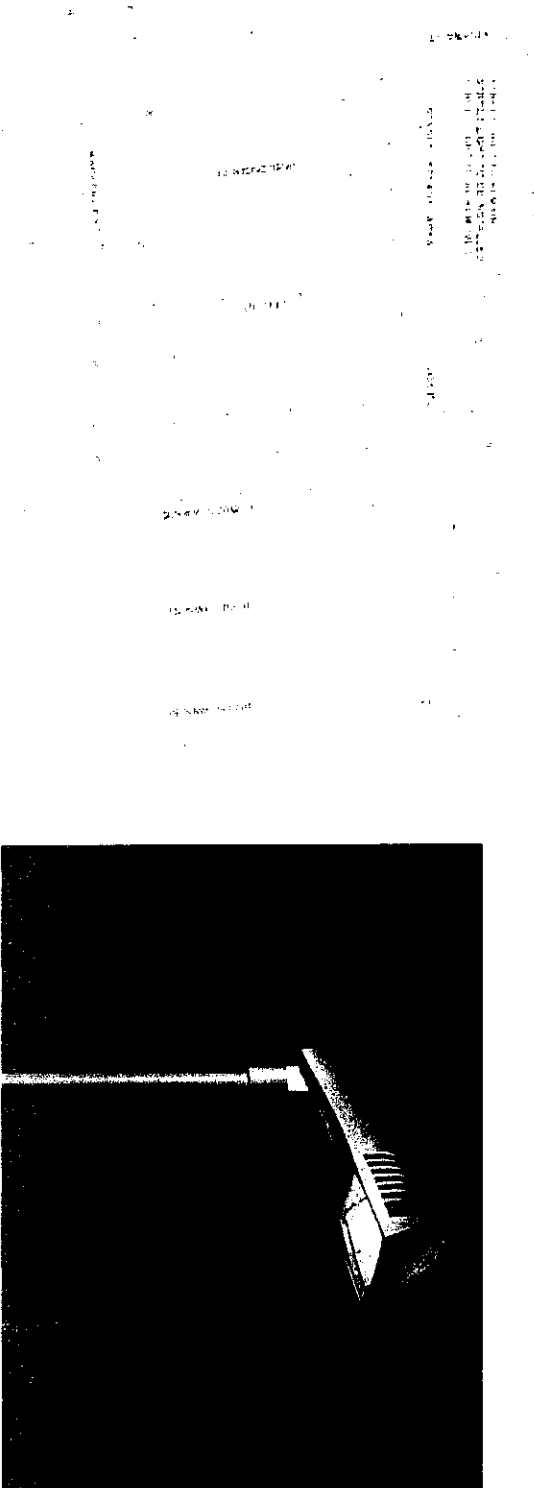


CITY OF DETROIT

1. Future O&M expense includes O&M and electricity

Detroit's streetlight footprint and service will improve under the newly created Authority

- Main thoroughfares will retain current lighting footprint
 - Neighborhood types were loosely applied to determine lighting need in each neighborhood
 - Steady areas will most of current streetlights, transitional will retain approximately 80% and distressed will retain approximately 30-40% of its current lamps and fixtures (though many are non-functioning)
 - Neighborhoods will be NOT be identified by these terms for the purposes of remapping
 - Neighborhood groups will have the ability to re-map their neighborhood and purchase and fund additional lights if they desire more lighting than their allotment
- Illustrative re-mapping of streetlights**



DTE will answer service calls and all future lights will have a service standard for repair



**City of Detroit
Office of Emergency Manager
Kevyn D. Orr**

**Financial and Operating Plan
May 12, 2013**

Detroit Transportation Corporation, which operates the Detroit People Mover (the "DPM"), a light rail elevated train that provides public transportation in Downtown Detroit.

DDOT historically has required an annual General Fund subsidy ranging from \$75 million to \$85 million, of which approximately \$5 million to \$6 million is attributable to the DPM. As a result of restructuring activities in 2012, which included hiring a consulting firm, reducing fleet size and making service adjustments, the City was able to significantly reduce the General Fund subsidy to DDOT by approximately \$15 million with little impact on ridership.

In 2011, the City did not deliver reliable, scheduled bus service. Since that time, the City has been studying methods to reform and improve operations and service to Detroit's citizens. Certain schedule changes were made in 2012 to alleviate certain immediate service problems. As part of Phase II of the DDOT restructuring process, the City and its advisors currently are investigating additional short-term and long-term efficiencies that would improve bus services and further reduce the required General Fund subsidy for DDOT's operations.

c. Public Lighting initiatives

The Public Lighting Department ("PLD") currently owns and operates the City's electricity grid. PLD serves over 200 commercial electric customers and a majority of the City's 88,000 streetlights. PLD's primary objectives are to provide safe and reliable power to its customers and to re-establish a reliable lighting footprint encompassing Detroit's main thoroughfares and population centers. Both the streetlights and the grid are in need of significant capital investment to provide reliable lighting and electricity to Detroit's citizens and businesses. Current third-party estimates for required capital expenditures equate to approximately \$160 million for lighting improvements and between \$250 million to \$500 million for electricity (grid) improvements. To address the need for both improved service and major capital investment in the grid and streetlights, the City has developed, and is continuing to refine, a comprehensive plan to overhaul the department and its assets. A five-to-seven year plan will result in a new streetlight infrastructure and the transition of the City's electricity grid to a third party operator. Specifically, the plan calls for the City to transfer operation and maintenance of its streetlights to a newly formed public lighting authority ("PLA") with the ability to issue debt. Proceeds from the debt issuance will be used to overhaul the current street lighting infrastructure. During early 2013, major legislation was to enable execution of the City's plan. In particular, Senate Bill 970 and House Bill 5705 provided a funding mechanism for the PLA, and House Bill 5688 authorized Detroit to establish the PLA. The PLA's articles of incorporation were adopted in February 2013.

In the short-term, the City plans to address long-standing lighting outage complaints by working with a third party to replace bulbs and fix wiring related issues to address citizen concerns and improve public safety. In the long-term, the PLA's primary goal will be to reconfigure the street lighting footprint and pare down the current number of streetlights from approximately 88,000 to approximately 46,000. The new lighting footprint will cater to Detroit's current population

centers and provide reliable service and added safety where it is needed most. The projected three-year overhaul project will consist of a phased replacement of approximately 15,000 lights per year commencing in mid-fiscal year 2014 and a conversion of the electrical feed onto a third party grid. The streetlights will continue to be assets of the City with the asset overhaul and continuing operations funded by the PLA.

The Emergency Manager believes that it is in the best interest of the citizens of Detroit for the City to exit the power supply business. As of 2010, when the City ceased generating a portion of the electricity it sold, the grid has solely operated as a resale mechanism for its 200-plus customers. The current state of the City's electricity grid has been characterized as unreliable, as well as a liability to the City and its citizens. Additionally, based on the level of required maintenance coupled with labor costs, the grid continues to operate at a loss. The City estimates that a \$250 million to \$500 million capital improvements program would be required to modernize the system – funds that the City simply does not have and cannot generate. Accordingly, the Emergency Manager seeks both to limit the City's exposure to the liabilities associated with an aging grid and provide a solution to ensure reliable power to the City of Detroit. For this reason, the City's electricity customers will be transitioned to a third party, and the grid will be closed down pursuant to a phased plan.

The transition process will begin in fiscal year 2014, and continue over five to seven years, with a transfer of all customers (including the City) to third party-owned meters, resulting in the City exiting the electricity re-sale business. Electricity customers will become customers of the third party. During the transition period, PLD will slowly wind-down its operations and maintenance staff in proportion with the closing sections of the City-operated electricity grid.

d. Abandoned property, blight and land use initiatives

Blight is one of the City's most pervasive and pressing problems. It is both a public safety and a public health issue for the City. In its 139 square miles, the City includes at least 60,000 parcels of vacant land (constituting approximately 15% of all parcels in the City) and approximately 78,000 vacant structures, of which 38,000 are estimated to be in potentially dangerous condition.

This surplus land presents enormous socio-economic challenges and affects public health, crime rates, economic development and property values. All City services are less efficient, and under-resourced, because these services must be provided over a large geographic area with low population density. Indeed, blight adds to the strain on the City's public safety resources. Despite significant population decreases and the widespread abandonment of properties throughout the metro area, the City still provides services to a geographic area larger than Boston, Manhattan and San Francisco combined. Falling levels of economic activity also feed into a smaller ratepayer base to support City services, including water, sewer and electricity.

In light of the foregoing, the City has been developing strategies for addressing the surplus land, using three neighborhood categories (steady, transitional and distressed), as there are unique

(z) For municipal governments, enter into agreements with other units of municipal government to transfer property of the municipal government under 1984 PA 425, MCL 124.21 to 124.30, or as otherwise provided by law, subject to approval by the state treasurer.

(aa) Enter into agreements with 1 or more other local governments or public bodies for the consolidation of services.

(bb) For a city, village, or township, the emergency manager may recommend to the state boundary commission that the municipal government consolidate with 1 or more other municipal governments, if the emergency manager determines that consolidation would materially alleviate the financial emergency of the municipal government and would not materially and adversely affect the financial situation of the government or governments with which the municipal government in receivership is consolidated. Consolidation under this subdivision shall proceed as provided by law.

(cc) For municipal governments, with approval of the governor, disincorporate or dissolve the municipal government and assign its assets, debts, and liabilities as provided by law. The disincorporation or dissolution of the local government is subject to a vote of the electors of that local government if required by law.

(dd) Exercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances or resolutions of the local government as provided in the following acts:

(i) The home rule city act, 1909 PA 279, MCL 117.1 to 117.38.

(ii) The fourth class city act, 1895 PA 215, MCL 81.1 to 113.20.

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(iv) 1851 PA 156, MCL 46.1 to 46.32.

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(viii) The revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(ix) The state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1896.

(ee) Take any other action or exercise any power or authority of any officer, employee, department, board, commission, or other similar entity of the local government, whether elected or appointed, relating to the operation of the local government. The power of the emergency manager shall be superior to and supersede the power of any of the foregoing officers or entities.

(ff) Remove, replace, appoint, or confirm the appointments to any office, board, commission, authority, or other entity which is within or is a component unit of the local government.

(2) Except as otherwise provided in this act, during the pendency of the receivership, the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the emergency manager.

(3) Except as otherwise provided in this subsection, any contract involving a cumulative value of \$50,000.00 or more is subject to competitive bidding by an emergency manager. However, if a potential contract involves a cumulative value of \$50,000.00 or more, the emergency manager may submit the potential contract to the state treasurer for review and the state treasurer may authorize that the potential contract is not subject to competitive bidding.

(4) An emergency manager appointed for a city or village shall not sell or transfer a public utility furnishing light, heat, or power without the approval of a majority of the electors of the city or village voting thereon, or a greater number if the city or village charter provides, as required by section 25 of article VII of the state constitution of 1963. In addition, an emergency manager appointed for a city or village shall not utilize the assets of a public utility furnishing heat, light, or power, the finances of which are separately maintained and accounted for by the city or village, to satisfy the general obligations of the city or village.

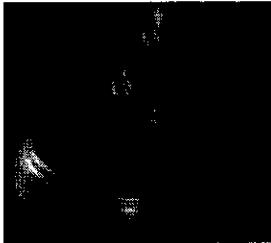
Sec. 13. Upon appointment of an emergency manager and during the pendency of the receivership, the salary, wages, or other compensation, including the accrual of postemployment benefits, and other benefits of the chief administrative officer and members of the governing body of the local government shall be eliminated. This section does not authorize the impairment of vested pension benefits. If an emergency manager has reduced, suspended, or eliminated the salary, wages, or other compensation of the chief administrative officer and members of the governing body of a local government before the effective date of this act, the reduction, suspension, or elimination is valid to the same extent had it occurred after the effective date of this act. The emergency manager may restore, in whole or in part, any of the salary, wages, other compensation, or benefits of the chief administrative officer and members of the governing body during the pendency of the receivership, for such time and on such terms as the emergency manager considers appropriate, to the extent that the emergency manager finds that the restoration of salary, wages, compensation, or benefits is consistent with the financial and operating plan.



Civil Rights

Home • About Us • What We Investigate • Civil Rights • Color of Law

Color of Law Abuses



U.S. law enforcement officers and other officials like judges, prosecutors, and security guards have been given tremendous power by local, state, and federal government agencies—authority they must have to enforce the law and ensure justice in our country. These powers include the authority to detain and arrest suspects, to search and seize property, to bring criminal charges, to make rulings in court, and to use deadly force in certain situations.

Preventing abuse of this authority, however, is equally necessary to the health of our nation's democracy. That's why it's a federal crime for anyone acting under "color of law" willfully to deprive or

conspire to deprive a person of a right protected by the Constitution or U.S. law. "Color of law" simply means that the person is using authority given to him or her by a local, state, or federal government agency.

The FBI is the lead federal agency for investigating color of law abuses, which include acts carried out by government officials operating both within and beyond the limits of their lawful authority. Off-duty conduct may be covered if the perpetrator asserted his or her official status in some way.

During 2012, 42 percent of the FBI's total civil rights caseload involved color of law issues—there were 380 color of law cases opened during the year. Most of the cases involved crimes that fell into five broad areas:

- Excessive force;
- Sexual assaults;
- False arrest and fabrication of evidence;
- Deprivation of property; and
- Failure to keep from harm.

Excessive force: In making arrests, maintaining order, and defending life, law enforcement officers are allowed to use whatever force is "reasonably" necessary. The breadth and scope of the use of force is vast—from just the physical presence of the officer...to the use of deadly force. Violations of federal law occur when it can be shown that the force used was willfully "unreasonable" or "excessive."

Sexual assaults by officials acting under color of law can happen in jails, during traffic stops, or in other settings where officials might use their position of authority to coerce an individual into sexual compliance. The compliance is generally gained because of a threat of an official action against the person if he or she doesn't comply.

False arrest and fabrication of evidence: The Fourth Amendment of the U.S. Constitution guarantees the right against unreasonable searches or seizures. A law enforcement official using authority provided under the color of law is allowed to stop individuals and, under certain circumstances, to search them and

Key Civil Rights Links

Civil Rights Home

Priority Issues

- Hate Crime
- Human Trafficking/Involuntary Servitude
- "Color of Law" Abuses
- Freedom of Access to Clinic Entrances

Report Civil Rights Violations

- File a Report with Your Local FBI Office
- File a Report on Our Internet Tip Line

Lighting Authority and Electricity Customer Transition: Next Steps

City of Detroit
February 17, 2012



CITY OF DETROIT

Streetlights – New “footprint” will improve service while it does not dramatically impact the budget

- The City has experienced a material shift in its population (now 715,000) and a shift in centers of concentration around Detroit.
- The new footprint will be strategically placed to reflect the current lighting needs of Detroit
- 20,000 lights will be removed from alleyways and approximately 22,000 (most non-functioning) will be removed from streets

	Current	Future
# of streetlights	88,000	46,000
# functioning	~58,000	46,000
Annual power consumption	33,000 on City grid ~ 35m kWh 55,000 on DTE grid ~ N/A fixed fee	46,000 lights ~ 48 mikWh
Electricity expense	~ \$2.2m	N/A
O&M expense ¹	~\$12.8 m (Incl. personnel and O&M)	~10.1m
Debt service	\$0.0	~12.0m
Annual expense	\$15.0m	\$22.1m



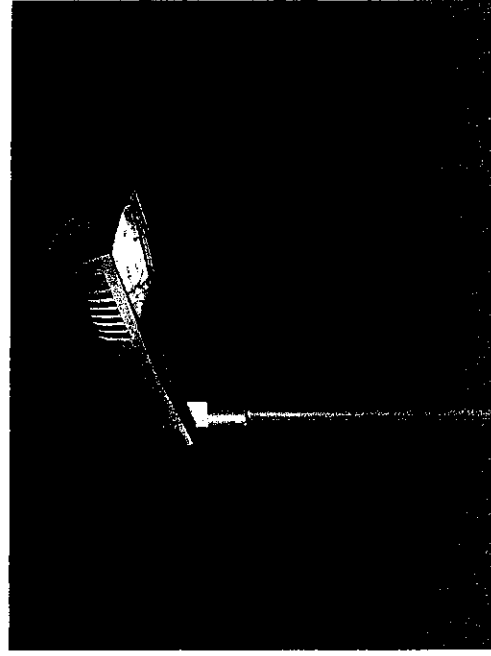
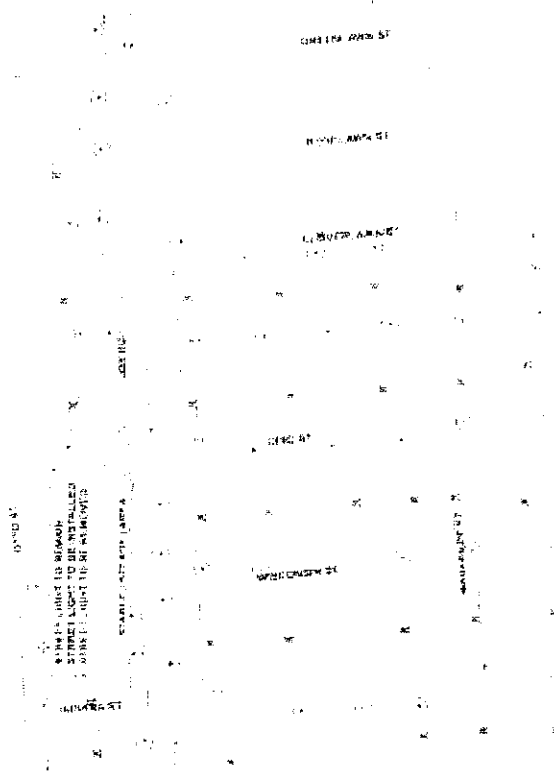
CITY OF DETROIT

1. Future O&M expense includes O&M and electricity

Detroit's streetlight footprint and service will improve under the newly created Authority

- Main thoroughfares will retain current lighting footprint
- Neighborhood types were loosely applied to determine lighting need in each neighborhood
 - Steady areas will most of current streetlights, transitional will retain approximately 80% and distressed will retain approximately 30-40% of its current lamps and fixtures (though many are non-functioning)
 - Neighborhoods will be NOT be identified by these terms for the purposes of remapping
- Neighborhood groups will have the ability to re-map their neighborhood and purchase and fund additional lights if they desire more lighting than their allotment

Illustrative re-mapping of streetlights



DTE will answer service calls and all future lights will have a service standard for repair



CITY OF DETROIT



**City of Detroit
Office of Emergency Manager
Kevyn D. Orr**

**Financial and Operating Plan
May 12, 2013**

Detroit Transportation Corporation, which operates the Detroit People Mover (the "DPM"), a light rail elevated train that provides public transportation in Downtown Detroit.

DDOT historically has required an annual General Fund subsidy ranging from \$75 million to \$85 million, of which approximately \$5 million to \$6 million is attributable to the DPM. As a result of restructuring activities in 2012, which included hiring a consulting firm, reducing fleet size and making service adjustments, the City was able to significantly reduce the General Fund subsidy to DDOT by approximately \$15 million with little impact on ridership.

In 2011, the City did not deliver reliable, scheduled bus service. Since that time, the City has been studying methods to reform and improve operations and service to Detroit's citizens. Certain schedule changes were made in 2012 to alleviate certain immediate service problems. As part of Phase II of the DDOT restructuring process, the City and its advisors currently are investigating additional short-term and long-term efficiencies that would improve bus services and further reduce the required General Fund subsidy for DDOT's operations.

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2011-2012 Senate Bill 865

Display

2011 Senate Bill 865: Replace repealed "Emergency Manager" law

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- Introduced by Sen. Phil Pavlov (R) on December 1, 2011, to authorize the appointment by the state of transition advisory boards for fiscally-failed local governments that have been "rehabilitated" and are coming out of a receivership managed by a state-appointed emergency manager. The boards would have veto power over budgets, union agreements and new borrowing.
 - Referred to the Senate Government Operations Committee on December 1, 2011.
 - Reported in the Senate on December 14, 2011, with the recommendation that the substitute (S-1) be adopted and that the bill then pass.
 - Substitute offered in the Senate on December 15, 2011, to replace the previous version of the bill with one that eliminates its previous provisions and leaves it as a "placeholder" or potential "vehicle" bill for extending the Emergency Manager law passed earlier in 2011; see Senate-passed version for details. The substitute passed by voice vote in the Senate on December 15, 2011.
- Passed 26 to 12 in the Senate on December 15, 2011, to pass a "shell" version of this bill with no substantive provisions, but which can be modified later to extend the Emergency Manager law passed earlier in 2011 the event it is suspended in 2012 pending a potential referendum in November. This possibility was triggered by a statewide petition drive reportedly orchestrated by government employee unions unhappy with the power given to emergency managers appointed under that new law to throw out collective bargaining agreements they believe a fiscally failed municipality cannot afford.

Who Voted "Yes" and Who Voted "No"
- Received in the House on December 15, 2011.
 - Referred to the House Government Operations Committee on December 15, 2011.
 - Reported in the House on December 6, 2012, with the recommendation that the substitute (H-5) be adopted and that the bill then pass.
 - Substitute offered in the House on December 12, 2012. The substitute failed by voice vote in the House on December 12, 2012.
 - Substitute offered by Rep. Al Pscholka (R) on December 12, 2012, to adopt a substitute that contains a substantive proposal; see House-passed bill for details. The substitute passed by voice vote in the House on December 12, 2012.



Search legislation

GO

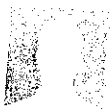
It is wrong, it is illegal.

- Amendment offered by Rep. Maureen Stapleton (D) on December 12, 2012, to add additional reporting and procedural steps to the fiscal emergency process. The amendment passed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Maureen Stapleton (D) on December 12, 2012, to prohibit an emergency manager appointed to a fiscally-failed city from selling its municipal water system without a vote of the residents. The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Maureen Stapleton (D) on December 12, 2012, to restrict the authority of an emergency manager to replace trustees of an underfunded municipal pension system to cases where the system is only 70 percent funded, rather than a proposed 80 percent threshold. The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Maureen Stapleton (D) on December 12, 2012, to exempt Detroit from a provision giving an emergency manager the power to replace trustees of a city pension fund that is less than 80 percent funded. The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Woodrow Stanley (D) on December 12, 2012, to strip out a provision that adds a modest appropriation, which under a state Supreme Court ruling several years ago has the effect of making the bill "referendum-proof". The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Jon Switalski (D) on December 12, 2012, to increase the deadline for feedback from municipal officials that is part of the procedures for declaring a fiscal emergency that would trigger the proposed law. The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Woodrow Stanley (D) on December 12, 2012, to establish that the state review team tasked with reviewing the finances of a fiscally failed city or school district prior to triggering the proposed law would be subject to the state Open Meetings Act and Freedom of Information Act. The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Woodrow Stanley (D) on December 12, 2012, to style a public information meeting required as part of the financial emergency review process as a "hearing". The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Maureen Stapleton (D) on December 12, 2012, to strip out a provision giving the state Treasurer the power to declare at his sole discretion that a fiscally failed city government that has entered a "consent agreement" proposed by bill has committed a "material breach" of that agreement. The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Woodrow Stanley (D) on December 12, 2012, to exempt for five years a city or school district that has had an emergency manager appointed from the mandate in the Public Employment Relations Act (PERA) to engage in collective bargaining with government employee unions. The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Jon Switalski (D) on December 12, 2012, to eliminate a hard deadline on a fiscally failed local government choosing the mediation alternative proposed by the bill, or else having an emergency manager appointed. The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Jon Switalski (D) on December 12, 2012, to remove a provision that gives a state "emergency financial assistance loan board" the final say on an action proposed by an emergency manager which is disputed by the local government. The amendment failed by voice vote in the House on December 12, 2012.

- Amendment offered by Rep. Woodrow Stanley (D) on December 12, 2012, to strip out a provision that gives an emergency manager the power to invalidate a government employee union contract provision. The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Jim Townsend (D) on December 12, 2012, to strip out a provision that gives an emergency manager the power to invalidate a provision of a government employee union contract. The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Jon Switalski (D) on December 12, 2012, to strip out a provision that includes among a emergency manager's duties creating a financial reform plan that may require invalidating provisions of a government employee union contract. The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Woodrow Stanley (D) on December 12, 2012, to strip out a provision exempting fiscally-failed local governments and school districts that enter a financial reform consent agreement with the state from the law that forces locals and schools to engage in collective bargaining with unions, during the term of the consent agreement. The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Jim Townsend (D) on December 12, 2012, to remove a requirement that a local government determined to be in a financial emergency to select one of the options offered by the bill even if it has voted with a two-thirds majority to appeal the determination. The amendment failed by voice vote in the House on December 12, 2012.
- Amendment offered by Rep. Jim Townsend (D) on December 12, 2012, to revise a provision automatically ending a mediation effort if the state treasurer determines it will not generate sufficient savings to resolve the financial emergency, and instead just allow the treasurer to advise the local's governing board of this shortcoming. The amendment failed by voice vote in the House on December 12, 2012.
- Passed 63 to 46 in the House on December 12, 2012, to replace the Emergency Manager law passed in 2011 and repealed by a statewide referendum with a new law, which will give fiscally-failed cities or school districts a choice of either entering a reform plan consent agreement with the state, entering mediation to create such a plan, being allowed to declare bankruptcy in federal court, or having an emergency manager appointed with powers similar to those that triggered the union-sponsored referendum (to invalidate unaffordable or unsustainable government union contracts). The replacement also adds a public information meeting requirement to the process; specifies procedures and conditions for exiting the financial emergency; explicitly gives a school EM authority over academic matters; and contains a modest appropriation that makes it "referendum-proof".
Who Voted "Yes" and Who Voted "No"
- Motion by Rep. Jim Stamas (R) on December 12, 2012, to give immediate effect. The motion passed 64 to 45 in the House on December 12, 2012.
Who Voted "Yes" and Who Voted "No"
- Received in the Senate on December 12, 2012.
 - Substitute offered by Sen. Bert Johnson (D) on December 13, 2012, to adopt a version of the bill that would reduce the powers of the state in reforming fiscally failed cities and school districts, and limit state involvement to two years. The substitute failed 12 to 26 in the Senate on December 13, 2012.
Who Voted "Yes" and Who Voted "No"
 - Amendment offered by Sen. Bert Johnson (D) on December 13, 2012, to add a provision that would have the effect of ensuring that the bill can never go into effect. The amendment failed 12 to 26 in the Senate on December 13, 2012.
Who Voted "Yes" and Who Voted "No"

- Passed 23 to 15 in the Senate on December 13, 2012, to replace the Emergency Manager law passed in 2011 and repealed by a statewide referendum with a new law, which will give fiscally-failed cities or school districts a choice of either entering a reform plan consent agreement with the state, entering mediation to create such a plan, being allowed to declare bankruptcy in federal court, or having an emergency manager appointed with powers similar to those that triggered the union-sponsored referendum (to invalidate unaffordable or unsustainable government union contracts). The replacement also adds a public information meeting requirement to the process; specifies procedures and conditions for exiting the financial emergency; explicitly gives a school EM authority over academic matters; and contains a modest appropriation that makes it "referendum-proof".
Who Voted "Yes" and Who Voted "No"
- Motion in the Senate on December 13, 2012, to give the bill immediate effect. The motion passed 26 to 12 in the Senate on December 13, 2012.
Who Voted "Yes" and Who Voted "No"

Comments



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1) **Re: 2011 Senate Bill 865 (Revise procedures for "rehabilitated" local governments)** by jg48386 on December 24, 2012
Judy, so what's your plan to fix Detroit's finances?
Reply

2) **Re: 2011 Senate Bill 865 (Revise procedures for "rehabilitated" local governments)** by Judy on December 18, 2012
Senators Caswell, Young, Gleason and Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the concurring in the House substitute of Senate Bill No. 865 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting "no."
The motion prevailed.
Senator Caswell's statement is as follows:
I am following the dictates of my citizens back in my district who voted against this emergency manager bill.
Senator Young's statement is as follows:
Let me see here, I think it was the good Senator from the 13th District who said, if I heard correctly, that the people could decide if they want help or not. Well, the people already decided, and they decided through a process called an election. Believe it or not, in that election, your side, Public

PP. 4-5
Act 4, was defeated. Now I'm not a mathematician, but if you take a pie of 100 percent, I believe that 52 percent is higher. That's how much of the vote we got: 52 percent, 52 to 48. Last time I checked, the people already spoke. Last time I checked, they said they don't want this law. So why do we need this law, then? If you're trying to wait for locals to tell you what to do, the locals already told you what to do. They said pack it up. Get out of town. You don't got to go home, but you've got to get out of here. That's what the locals said, so, why don't we listen to what the locals and people said?

4-2
Madam President, in my opinion, someone who would sacrifice liberty permanently for austerity, temporarily does not deserve to lead our democracy. This is an assault on democracy. This is an assault on the Constitution. It's wrong. It's illegal. It's despicable. The people already decided. We derive all of our power from the people. Since the last time I checked, we were elected by them. Maybe you're so used to following Rick "Dictator" Snyder, you forgot that it was the people who put us up here.

So let me remind you, they voted for this, and they voted it down. So let's honor the wishes of the people by voting this down.

Senator Gleason's statement is as follows:

I represent the city of Flint. Earlier this week, I think the institution suffered immeasurably for trying to literally prostitute the legislative process. I represent the city of Flint. I think if we're going to undertake a measure such as this, there should be a work group of people who are impacted by this. You should take the concerned parties and sit down at a table and find a common resolution. When I look at how we do our business in this Capitol, it's discouraging. I want to remind you of one thing: this is not the first time I've been upset about this process. I want you to just listen to this and see how you were affected by this. Only a few months ago, the Governor told the citizens of Michigan—and probably more important, us—that he had a way to skirt the legislative process to build the bridge. I was offended by that because I think there is a purpose for the different branches of government and the rules that we all undertake.

Flint is in dire straits. There is some culpability from the current officeholders. All of us make mistakes and do things that we shouldn't, but Flint is not unlike many urban centers across this country. When the manufacturing business gave out, they lost a very secure and longtime sustaining tax base. Who among us would've been able to survive that situation? It's not unique that Flint is like most of the other communities. It's an urban center that once was bustling with a manufacturing center that now is gone. Most of the things, we're still paying for—whether it's the public infrastructure or whether it's the schools or whether it's the universities that were established in these communities—are still old obligations. But the tax base has been so suppressed that they can't take care of the day-to-day obligations. This should be no surprise to any of you. When we addressed this issue several months back, I said I wanted you to take full consideration. I said when we passed this bill, you ought to talk to the people who have to live with it. We affect the credit rating of these communities. The schools and the cities, we affect their credit rating. I went through seven of them when I was on the County Board of Commissioners, and we had to take all of our local amenities to Standard & Poor's & Moody's. We had to take them, and we had to sell the bond rating companies on what our community had to offer. Every major investment was tied to that bond rating. We should've brought in financiers to ask how this is going to affect the bond ratings of our communities.

I don't live in the city of Flint. I live outside in the city of Flushing, but all the communities on the hub of Flint will be affected by Flint's credit rating. When you lose the substance of your core city and your county, everybody is held susceptible to that credit rating. We got people who worked in the banking industry; our Lieutenant Governor is one of them. We should've given this issue more consideration about that bond rating. We have the University of Michigan-Flint. We have Baker. We have Mott. We have these learning institutions that are going to be tied directly to the city's bond rating when they go to make a case. We missed a very important step because once again,

we tried to rush this through and not talk to the people who were affected by it.

We have to do better. I'm going to say it again: When the Governor said to everybody that he could run around the legislative branch and build that bridge, I thought that was a bad thing for our state. When you all ran around us on the right-to-work effort with no committee hearings, no input from the public; when you put money in the process in a state that's broke; and now, once again, you do it without any consequences to those who have to live with your decision. This is a bad decision. I don't live in the city of Flint. I live outside in the city of Flushing, but all the communities on the hub of Flint will be affected by Flint's credit rating. When you lose the substance of your core city and your county, everybody is held susceptible to that credit rating. We got people who worked in the banking industry; our Lieutenant Governor is one of them. We should've given this issue more consideration about that bond rating. We have the University of Michigan-Flint. We have Baker. We have Mott. We have these learning institutions that are going to be tied directly to the city's bond rating when they go to make a case. We missed a very important step because once again, we tried to rush this through and not talk to the people who were affected by it.

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Senator Smith's first statement is as follows:

I'm not going to stand up here and pontificate in front of my colleagues. Most of you guys know that I'm pretty reasonable when it comes down to it, but I'm just getting tired of this pernicious attack against our rights—especially in the city of Detroit. We've had a school district that's been taken over by the state since 1999. I graduated from the Detroit public system in 1998. Our enrollment has consistently dropped since the state has been involved, and our funding has consistently decreased. It's not better; it's worse.

We put this consent agreement in play in the city of Detroit. They hired a CFO and a project manager, both of them making \$200,000-some. They've done nothing. You guys act like this is some kind of panacea, that it's going to actually get things in order. Well, I implore upon you, just follow the money. Just follow the money. All this is rearranging the chairs on the deck so somebody else can take this money and put it in their pocket. That's what is basically going on here. Folks could care less about coming into the ghetto to get things right, at the end of the day. So I'm just tired of this type of action that folks think that they need to take to get something right in areas that they really care nothing about because that's all I see it as. If you really want to help, you come and ask folks who have reasonable minds, "Well, how can we help you?"—if you really wanted to help. That's not what's happening here. You just want to basically slap us down and pour something on us because you think you know better than us. That is flat-out despicable, and I don't know what else to say.

Senator Smith's second statement is as follows:

To the good Senator from the 21st District and the good Senator from the 13th District, I respect where you are coming from, but the problem is that they have not tried to work with us; they dictate to us. They come in and tell us what they want to do. Example: Robert Bobb came into the Detroit public school system—yes, I know Jennifer Granholm, former Governor Jennifer Granholm put him there—and was able to get a salary close to around \$220,000 from the district. The philanthropic community gave him about \$425,000. He gave contracts to folks from Cincinnati, D.C., and dictated to us. As he left, the district was in worse shape.

The problem is that you're not trying to work with us; you're dictating to us how things should operate. That's why I said follow the money. Follow the money. In 1999, when the state came and took over our school district, we had a surplus of over \$90 million. Since the state has been in play, we've run deficits, essentially, almost every single year. So, no, this is not something voluntary.

Folks are not asking for this; we are not asking for anybody's help. I can handle my own pocketbook, thank you very much. This is control; takeover; give-me-what-you-got legislation, Madam President. I'm tired of this. If you want to work in unison, then come holler at me. I'm here and I'm ready to work with the most reasonable folks up here, but you don't want to come talk to me. You want to dictate, and I'm tired of it.

Senators Pappageorge and Johnson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Pappageorge's statement is as follows:

Perhaps I'm reading the wrong bill here. The way I read this bill it says local governments have a choice. They can ask for an emergency manager. They can choose to go into bankruptcy. They can choose mediation, and they can choose the consent agreement. Now, if the options are up to the locals, what is the problem here? Just because the emergency manager law was defeated does not mean the problem went away. It is still there, so we have an obligation to try and do something about that problem, and the choice is to let the locals decide how they want us to help them.

If you want an emergency manager, that's fine; ask for it. If you want mediation, that's fine; ask for it. If you want bankruptcy, that's fine; ask for it. If you want a consent agreement, that's fine; ask for it. So for those who say we're shoving something at you, the only thing that we're shoving at you is make a decision and we'll help with whatever decision you come up with.

So perhaps I've been reading the wrong bill here because as I read it, the locals have to decide what they want to do and then let us know, and ask for the kind of help they decided they want from us. That's not a bad thing to do, folks. It is local control, and I remind you again, the fact that a ballot proposal was defeated didn't make the problem go away. It's still there, and now we're telling locals, "Tell us what kind of help you want from us." I think that's a reasonable way to proceed.

Senator Johnson's statement is as follows:

It's interesting as I sit here, I can't help but notice and to almost be ashamed of the paternalistic tone of some of the members who are talking, particularly the speaker from the 13th District. I just want to ask a question for the record, for the legislative history, so that it reads right. Through you, Madam President, to the Senator, is it the intention of this majority that no city, no school district, will be forced by any means into this process, except by the affirmative vote of their local elected officials?

I'm asking that question, and I'm hoping that the reply will, in fact, be printed in the Journal. I do want to put on the record that one of the reasons that you see us stand here and be so vehemently opposed to these emergency managers and their positions is because we don't have any evidence that any of this worked. It was so eloquently stated on the record just moments ago, I believe by the Senator who governs at least the city of Benton Harbor, that they've had a couple of emergency managers. Let me be very clear, I don't care if it was Granholm or Snyder, they were both wrong. I marched right in her office, and I told her that her dog that was off the leash, known as Robert Bobb, was usurping his authority. He was acting in a very bullish manner, and the things that he was doing in the city of Detroit were both disingenuous and, in fact, illegal. We got rid of him.

Let me further place on the record that the person who has been brought in to be the chancellor of the not-so-legally-standing or not-so-legislatively-build-out EAA left the Kansas City School District in shame, as they lost their accreditation. It was also widely reported that the No. 2 person brought in to lead the EAA who is now deceased, God rest her soul, left the city of Seattle School District mired in scandal as indictments and accusations flourished her activity at that school district.

Simply put, the law doesn't work. We've seen city after city emerge and re-emerge into emergency management. A school district like Detroit—and we won't talk about the surplus the city of Detroit School District had years ago. Let's talk about the academic excellence that it had displayed

across the nation. Those are the facts to be Googled, to be Wikipedia'd so that you understand that the city of Detroit's school system was a long-sought-after pot of money that folks wanted to get their hands on so they could do to it precisely what they're doing to it today. That was fourteen years ago.

GOP members in this chamber want me to believe that now because we have some myriad of things to choose from in the city of Detroit, related to how we'll see ourselves governed under emergency management, is, in fact, going to make us a better system. You believe that? You all believe that? I don't think you really do. I think that same paternalistic tone that's been taken is the actual mindset of the GOP that says, "You people can't govern yourselves. So no matter what the state says about the structure that doesn't govern well at all, we'll put in a law that does it for you." I guess we'll just have to go back to the ballot.

Reply

3) Re: 2011 Senate Bill 865 (Revise procedures for "rehabilitated" local governments) by jg48386 on December 17, 2012

The "will of the people" is challenged repeatedly by all factions. Every time a school millage, public safety millage or property tax fails the local powers that be put it right back on the ballot. They usually shoot for a May election when "the people" don't go to the polls, only the the group in favor of the tax.

Reply

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2011-2012 Senate Bill 865 Display

2011 Senate Bill 865: Replace repealed "Emergency Manager" law

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- Introduced by Sen. Phil Pavlov (R) on December 1, 2011, to authorize the appointment by the state of transition advisory boards for fiscally-failed local governments that have been "rehabilitated" and are coming out of a receivership managed by a state-appointed emergency manager. The boards would have veto power over budgets, union agreements and new borrowing.
 - Referred to the Senate Government Operations Committee on December 1, 2011.
 - Reported in the Senate on December 14, 2011, with the recommendation that the substitute (S-1) be adopted and that the bill then pass.
 - Substitute offered in the Senate on December 15, 2011, to replace the previous version of the bill with one that eliminates its previous provisions and leaves it as a "placeholder" or potential "vehicle" bill for extending the Emergency Manager law passed earlier in 2011; see Senate-passed version for details. The substitute **passed** by voice vote in the Senate on December 15, 2011.
- **Passed** 26 to 12 in the Senate on December 15, 2011, to pass a "shell" version of this bill with no substantive provisions, but which can be modified later to extend the Emergency Manager law passed earlier in 2011 the event it is suspended in 2012 pending a potential referendum in November. This possibility was triggered by a statewide petition drive reportedly orchestrated by government employee unions unhappy with the power given to emergency managers appointed under that new law to throw out collective bargaining agreements they believe a fiscally failed municipality cannot afford.
 Who Voted "Yes" and Who Voted "No"
- Received in the House on December 15, 2011.
 - Referred to the House Government Operations Committee on December 15, 2011.
 - Reported in the House on December 6, 2012, with the recommendation that the substitute (H-5) be adopted and that the bill then pass.
 - Substitute offered in the House on December 12, 2012. The substitute **failed** by voice vote in the House on December 12, 2012.
 - Substitute offered by Rep. Al Pscholka (R) on December 12, 2012, to adopt a substitute that contains a substantive proposal; see House-passed bill for details. The substitute **passed** by voice vote in the House on December 12, 2012.
 - Amendment offered by Rep. Maureen Stapleton (D) on December 12, 2012, to add additional reporting and procedural steps to the fiscal emergency process. The amendment **passed** by voice vote in the House on December 12, 2012.
 - Amendment offered by Rep. Maureen Stapleton (D) on December 12, 2012, to prohibit an emergency manager appointed to a fiscally-failed city from selling its municipal water system without a vote of the residents. The amendment **failed** by voice vote in the House on December 12, 2012.
 - Amendment offered by Rep. Maureen Stapleton (D) on December 12, 2012, to restrict the authority of an emergency manager to replace trustees of an underfunded municipal pension system to cases where the system is only 70 percent funded, rather than a proposed 80 percent threshold. The amendment **failed** by voice vote in the House on December 12, 2012.
 - Amendment offered by Rep. Maureen Stapleton (D) on December 12, 2012, to exempt Detroit from a provision giving an emergency manager the power to replace trustees of a city pension fund that is less than 80 percent funded. The amendment **failed** by voice vote in the House on December 12, 2012.
 - Amendment offered by Rep. Woodrow Stanley (D) on December 12, 2012, to strip out a provision that adds a modest appropriation, which under a state Supreme Court ruling several years ago has the effect of making the bill "referendum-proof". The amendment **failed** by voice vote in the House on December 12, 2012.
 - Amendment offered by Rep. Jon Switalski (D) on December 12, 2012, to increase the deadline for feedback from municipal officials that is part of the procedures for declaring a fiscal emergency that would trigger the proposed law. The amendment **failed** by voice vote in the House on December 12, 2012.
 - Amendment offered by Rep. Woodrow Stanley (D) on December 12, 2012, to establish that the state review team tasked with reviewing the finances of a fiscally failed city or school district prior to triggering the proposed law would be subject to the state Open Meetings Act and Freedom of Information Act. The amendment **failed** by voice vote in the House on December 12, 2012.
 - Amendment offered by Rep. Woodrow Stanley (D) on December 12, 2012, to style a public information meeting required as part of the financial emergency review process as a "hearing". The amendment **failed** by voice vote in the House on December 12, 2012.

B-1

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Nevada superior court
Original jurisdiction court
Nevada republic

There are some basic facts about the Constitution for the united States of America that need to be established as a part of our discussion.

This nation, when established, was founded, was founded on the principles of the Bible. Our Founding Fathers were well versed in the teachings, doctrines, and concepts set forth in the Bible, which is our Book of Guidelines and Laws.

John Jay, the first Chief Justice of the united States Supreme Court, had this to say about God's Law.

"Uninspired commentators have dishonored the law by ascribing to it, in certain cases, a sense and meaning which it did not authorize and which our savior rejected and reprobated."

"The inspired prophets, on the contrary, expressed the most exalted ideas of the law. They declare that the law of the Lord is perfect, that the statutes of the Lord are right, and that the commandment of the Lord is pure; that God would magnify the law and make it honorable."

The above facts are made abundantly clear and fully verified by the statement in the Declaration of Independence concerning our Sovereignty our Sovereignty being granted by our Creator.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.

The Declaration of Independence also states that Sovereign People institute governments to secure and protect their unalienable rights. These rights are the right is the right to Life, Liberty, and the pursuit of Happiness.

That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

I find it very interesting that we, the Sovereign people feel a need to create a government in order to secure and protect our rights. I had always considered a government to be a law enforcement entity that persecuted the people by enforcing a bunch of laws that nobody liked.

The authors of our Constitution were very familiar with the various forms of government that had been in use for the past two thousand years. They were astute history buffs, and knew and understood the blessings and pitfalls in each form of government.

According to the notes and documents the Founding Fathers left behind. From what they said they would do, and what they actually did, we know that it was their intent to establish a form of government that would insure freedom and liberty for themselves and for their posterity.

When they finished, they had created a system without any prior example either ancient or modern. We had a government with more freedom and political rights for the citizens than any nation had ever enjoyed. Not Rome, not Egypt, and not even Israel when they were supposed to be following the laws of God.

This was a system founded on God given sovereignty of each member of Society. A system of local government combined with a federal form, all created as Republics.

It was planned that the sovereign people would control the local republics which would in turn control the federal entity. In this way, they felt that they could cover any defects of the local and federal and to thereby control the federal entity. In this way, they felt that they could cover any defects of the local and federal and to thereby obtain the best advantage of all entities.

Article IV, Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion, and on Application of Legislature, or of the Executive (When the Legislature cannot be convened) against domestic Violence.

With this concept firmly in mind, the Preamble to the Constitution was prepared as guide to future negotiation. The Preamble implicitly specified what was to be accomplished and to what extent the federal entity would have powers and authorities to operate.

We, the Sovereign individuals who created the government are still superior to our creation. The continuation of the previous quote from the Declaration of Independence makes this fact clear.

That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

The Founding Fathers chose to use the word "effect" concerning our "Safety and Happiness."

To affect something refers to the power of the creator to produce a desired outcome, or to achieve a specific result. If you are going to affect something you are going to act upon that something to make it do or perform the way you want it to. You affect something in order to bring about a cause.

The word "affect" could have been used.

But, affect implies an action from an outside source that would concern our Safety and Happiness. An event or happening that would occur outside the thing being accomplished . . . an occurrence that affects the final outcome. This is not the case. We as Sovereigns "effect" our own Safety and Happiness when we do the things that are necessary to maintain them.

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Politics & Government

10:45 AM MON JULY 16, 2012

Benton Harbor emergency manager sells parkland he shouldn't have

By LINDSEY SMITH /PEOPLE/LINDSEY.SMITH/

Updated 12:30p.m. - Scott Geerlings with Zeeland, Michigan based Geerlings Development Company says the company bought the parcel for around \$102,000.

Benton Harbor's emergency manager has sold a piece of land that was supposed to be open for public recreation. Now a dialysis center is being built on the undeveloped parkland instead.

The roughly 1.5 acre, grassy parcel was given to the city in exchange for land in Jean Klock Park. That park was part of a deal to build the [Jack Nicklaus-signature golf course in Michigan's poorest city](#) (<http://www.michiganradio.org/post/poorest-city-michigan-husts-senior-pga-championship/>).



<http://media4-publicbroadcasting.net/michigan/files/2012/07/open%20space%20sign.jpg>

Credit Julie Weiss

A sign on the land reads "City of Benton Harbor open public space". The emergency manager sold the land and construction of a dialysis center is underway.

Benton Harbor's state-appointed emergency manager [sold the land late last month](#) (<http://www.bentonharborcity.com/orders/Order%2012-34.pdf>). He got approval from the state's treasury department, but not the Department of Natural Resources which supervised the land swap.

"It should've been documented well but there is the potential that that detail got lost," said Steve DeBrabander, who manages grants for the DNR.

"I'm not saying [the city] intentionally did this; they might not have been aware that this was dedicated for public outdoor recreation," DeBrabander said.

There is a sign on the property that read "City of Benton Harbor open public space." The DNR found out about the apparent mistake from a citizen.

It's unclear how much the land was sold for. Calls to Emergency Manager Joe Harris and his assistant last week were not returned.

Harris commented on the [land deal to The Herald-Palladium](#) (http://www.heraldpalladium.com/news/local/dialysis-land-deal-bungled/article_e6b0e37c-183f-54fd-84c5-74f2e5dce035.html):

But Harris said he doesn't know whose responsibility it was to record the mitigation designation - the state or the city administration at the time the parcel was designated.

"I don't know who dropped the ball," Harris said.

Julie Weiss is a long-standing opponent of the city selling and leasing parts of Jean Klock Park for the Harbor Shore development.

"To me, the big story is that there is no institutional memory of this. And that they're taking gross advantage of the fact that it's Harris - who presumably has no accountability for anything before he arrived," Weiss said.

Harris arrived long after the land swap. Weiss says the state should've done a better job informing local governments of the rules. But a state official says Harris should've contacted them first.

The vacant lot is one of five replacement parcels for land in Jean Klock Park. This parcel had not yet been developed into any sort of park.

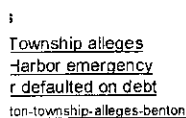
"These mitigation sites in no way compensate for the lands that they're replacing. They're replacing Lake Michigan lakefront. In some case dunes, in some cases actual lake frontage. But they're very forgettable. There's nothing special about them at all," Weiss said.

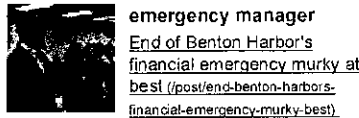
DeBrabander says city official tell him they will likely allow the dialysis center to continue construction. They'll look for new land to swap out for a public park instead.

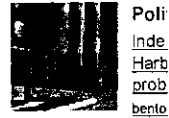
DeBrabander says the city would have to purchase new land to convert into a public park to replace the land Harris sold. They'd need to complete an environmental assessment and take public comment on a potential conversion.

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 Police inside Benton Harbor problem

14 comments

★ 0



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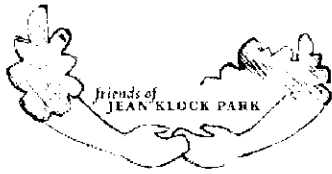
Discussion Community

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Luannekozma · 8 months ago

The "forgetting" by Harris/the City is also theatre. When the City of Benton Harbor swapped out Jean Klock Parkland for inferior, small, isolated, contaminated parcels located inside the harbor shores golf course--this is the precisely predictable outcome we all predicted! As Chris Reader comments, and Julie Weiss and all the plaintiffs and I have been pointing out since day one: the land swapped for Jean Klock Park on Lake Michigan was never of equal or greater value to what was lost of beautiful Lake Michigan lakefront. This sale proves the point the plaintiffs made in court over the past years. Harris knew about the parcels well. There is no way to "forget" the parcels. His own lawyers (the city's--after all, he IS running the city) and city officials and DNR officials have been talking and meeting about these very parcels in court briefs and meetings for years now. Detailed maps of the parcels are well-known exhibits of court documents in the legal battles. Everyone knew about them. And everyone knew that the city would "forget" about Parcels B, C, D, E, F, G and of course H--Whirlpool's contaminated former industrial land... eventually, whether it is in 2012 or 2022, or whenever. The whole (original) point of the Land and

B



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"Perhaps some of you do not own a foot of ground, remember then, that this is your park, it belongs to you. Perhaps some of you have no piano or phonograph, the roll of the water murmuring in calm, roaring in storm, is your music, your piano and music box... The beach is yours, the drive is yours, the dunes are yours, all yours. It is not so much a gift from my wife and myself, it's a gift from a little child. See to it, that the park is the children's." - John Nebus Klock

December 2, 2009

Michigan Natural Resources Trust Fund Board Meeting

Mr. Jim Wood, Manager of Grants and Management, Michigan DNR, provided the Board an update on the mitigation and conversion issues for JKP that were raised at the October Michigan Natural Resources Trust Fund (MNRTF) Board meeting. Since the October meeting several working meetings were held between city representatives, Harbor Shores, Department of Environmental Quality and DNR staff.

Read pages 10-11 of the December 2, 2009, MNRTF meeting minutes.

A Benton Harbor resident attending the meeting brought to the board's attention the fact that in 2006 it [the board] approved a conceptual plan. The contamination issue of the mitigated parcels was again raised along with misleading statements from the developers about the true impact to the dunes and other natural resources of the park. Allegations that serious and possibly illegal **contamination has most likely occurred** due to the golf course development in the park was presented to the board. MNRTF trustee Dennis Muchmore stated that: "...the materials that have been presented today suggest, this should be presented to the Attorney General's office.

Read pages 18-19 of the December 2, 2009, MNRTF meeting minutes.

October 21, 2009

Michigan Natural Resources Trust Fund Board Meeting

Early into the MNRTF Board meeting, the Acting City Manager of Benton Harbor gave an update (three years late) on the conversion and mitigation of Jean Klock Park (JKP). Next, the President of Cornerstone Alliance, provided comments on the Harbor Shores Development's behalf. Following was a power point presentation that was given by a Benton Harbor City Commissioner to show that the developers took more than 22.11 acres of parkland for the golf course development. **Read pages 4-5 of the October 21, 2009, MNRTF meeting minutes.**

Later in the meeting a Benton Harbor resident made comments regarding the need for a public hearing regarding the non-disclosure of the

several extremely important issue regarding the non-disclosure of the developers as to the extent of the contamination of the mitigated parcels for JKP. This individual also reminded the board of the illegal sale/conversion of

a portion of the parkland (that took place about a decade ago) that still hasn't been resolved; and the yet undeveloped mitigation parcels for the 2003 sale/conversion of a portion of parkland for a residential development.

Read pages 18-19 of the October 21, 2009 MNRTF meeting minutes.

September 5, 2007

Michigan DEQ Public Hearing

Around 30 people attended the Michigan Department of Environmental Public Hearing that was held to address questions and comments about a proposed intake pipe, coffer dam and well that Harbor Shores wants to construct on the Paw Paw River to irrigate the golf course. Of the many people who spoke, legitimate concerns were raised about the 29 million gallons of water a day that would potentially be pumped from the Paw Paw River, the impact to the fishery and the environmental impact that could occur if soil and sediment contaminates from old industrial sites were disturbed and released to settle elsewhere down stream.

Because Jean Klock Park is an emotionally charged issue, the majority of the audience who spoke ultimately turned their focus to the issue of Jean Klock Park but were repeatedly asked to keep their comments directed towards the intake pipe only.

Because Jean Klock Park is key to the entire proposal and Harbor Shores has stated they will not go forward with the development without using the park, I too directed my comments to Jean Klock Park but through a practical rather than emotional argument.

The National Park Service is currently reviewing the conversion proposal for the park and the Berrien County Court has not yet been approached by the developers who must file a motion to amend the 2004 Consent Judgement. Until the National park Service makes it's decision as to whether or not the park can be converted for golf course purpose and the Berrien County Court makes a determination on the Consent Judgement I strongly recommended that to in order to spare more public tax dollars on the process and further destruction of natural areas that the MDEQ table it's decision on any permits related to the project until the National Park Service and Berrien County Court, who must make the final decision, do so. You may read my written comments to the DEQ below:

Comments to DEQ

August 21, 2007

The Department of Environmental Quality Is holding a public hearing on Wednesday, September 5, 2007 at the Michigan Works office located at 499 West Main St. Benton Harbor at 7:00 p.m.

The purpose of this public hearing is to hear and document concerns and comments from the public in regards to Harbor Shores' request for a proposed 20 inch wide and forty foot long intake pipe that will be placed in the Paw Paw River for irrigation purposes for the Jack Nicklaus golf course.

Anyone that pays attention to the lake and river levels knows they are at record low levels. This year alone the upstream area of St. Joe River has exposed sandy banks that are unusually below the river level. The Paw Paw River is the same. Extracting huge amounts of water from the Paw Paw River could have detrimental affects on the Paw Paw and St. Joseph Watersheds and in turn affect our area's Great Lake.

On the surface this has nothing to do with Jean Klock Park but to many that have written to us, this is a matter of great concern. In the lease agreement between the City of Benton Harbor and Harbor Shores, Harbor Shores has been given the groundwater rights to Jean Klock Park. We urge those who are concerned about water conservation and water rights issues to attend this very important public hearing.

Below are links to the following DEQ information regarding the permit application, public hearing and where to send comments. We hope you will attend the public hearing in order to show that our area does indeed have a strong interest in what is taking place in our community.

February 14, 2007

On February 14, 2007 the Department of Environmental Quality issued a letter to Harbor Shores with a lengthy outline of all of the remaining issues and details that need to be addressed before a permit is issued. Harbor Shores has 30 days to respond. The deadline for the permit application itself is March 22, 2007. Click on the following links to read the letter and enclosures from the DEQ to Harbor Shores:

Letter and Enclosures

January 30, 2007

In August of 2006, the Friends of Jean Klock Park sent a written request to the Army Corps of Engineers to be a consulting party for the Section 106 Review process (review of historic resources) under the National Historic Preservation Act of 1966.

Harbor Shores hired Hitchcock Design to do the historical assessment of Jean Klock Park. It was soon after we discovered there was a serious conflict of interest as Hitchcock Design had prepared a design for the Harbor Shores Development that included the use of Jean Klock Park as a golf course.

When we received a copy of Hitchcock design's report in early October of last year we wrote letters to the State Historic Preservation Office and the Army Corps of Engineers informing them not only of the conflict with Hitchcock design but also of the flawed process of the assessment itself. It was then that we were granted our request to be consulting parties for the Section 106 Review process.

On January 21, 2007 we were told the Michigan State Historical Commission

had held a meeting in Lansing at which JKP was briefly mentioned by a State Historic Preservation Officer (SHPO). The officer announced in his report to the commission that the section 106 review was completed with a favorable recommendation. The SHPO was not going to stop Harbor Shores

favorable recommendation. The DNR is not going to stop Harbor Shores from building a golf course within JKP.

However, on January 30, 2007 we received a letter from the Army Corps of Engineers granting us another 30 days as a consulting party to establish the historical significance of Jean Klock Park. We are confident that through our research we that can more than satisfy the required criteria to establish the Jean Klock Park's eligibility for listing on the National Register of Historic Places. Click [here](#) to read the Army Corps letter.

January 9, 2007

The Land Water and Management Division of the Department of Environmental Quality and the U.S Army Corps of Engineers held a public hearing regarding the **joint permit application** that was submitted by Harbor Shores Community Redevelopment Inc. The Public Hearing was a result of the requests from the public for that hearing due to the Public Notice that was released on November 9, 2006 of the new permit application that had been filed by HSCRI.

Harbor Shores did not want that Public Hearing to be held and last September, JFNew who did a protected plant species survey for Harbor Shores, sent a letter to the DEQ reminding them of an agreement they thought they had made to not hold a Public Hearing on the new permit application and also that the DEQ would assist in "fielding" public comments

and objections in order to "avoid" a new hearing. Click [here](#) to read that letter.

Well over 100 people attended the Public Hearing with 25 giving public comment. Of that twenty five only two members of the audience spoke in favor of Harbor Shores, one who has stakes in the project. The remaining 23 who commented were either against the development in Jean Klock Park or against the project entirely. During the 20 day public comment period for the November of 2006 Public Notice and the Comment period for the January, 2007 Public Hearing approximately 74 written comments were submitted to the DEQ. Of those only one was in favor of the project. Ninety nine citizen comments and only three are for the development of Jean Klock Park? Using any part of Jean Klock Park for a golf course development is clearly unpopular with the majority of the public.

October 18, 2006

On October 18th, the Michigan Natural Resources Trust Fund Board voted 3-1 to move ahead with the proposal to convert the majority of Jean Klock Park into a privately owned golf course.

It was disturbingly incredulous to watch as this Trust Fund board ignored and essentially abolished its own procedures, policies, and commitment to our natural resources; its very mission. The approval of this proposal to convert JKP is inconsistent with the fundamental values and goals of the Natural Resources Trust Fund and breaks the trust under which this land was given to the people of Benton Harbor which in turn would put into question the permanency of every other protected property in Michigan. The job of the NRTF Board is not to act as an economic development or social agency, but to protect and enhance Michigan's natural resources for public

11/2/07

In attendance in support of preserving JKP were five Benton Harbor city resident representatives including a city commissioner, (who addressed the lack of full disclosure on the part of the developers) and members of the Friends of JKP. In all, three city residents stood before the MNRTF Board meeting to speak against the proposed conversion and mitigation of JKP. Other speakers included a member of Defense of Place; a park advocacy group dedicated to protecting green space for us all, Richard Brewer; author of Conservancy: The Land Trust Movement in America, State Rep. Alexander Lipsey who spoke in favor of listening to grassroots community opposition and encouraged the board to be cautious and careful. Also, letters were read by attending supporters of JKP from State Rep. Alma Wheeler Smith and a member of the SW Michigan Land Conservancy who both wrote to advocate the protection of JKP.

Proponents of the proposal that were called on to speak included representatives of the Whirlpool Corporation, Cornerstone Alliance, the Benton Harbor City Manager who is not a city resident, three City Commissioners who are willing to move forward with the proposal without full disclosure from the developers, a former Berrien County Trial Judge who is not a city resident and was opposed to development in JKP in 2003 but now supports the Harbor Shores proposal, and only one Benton Harbor (possible/uncertain) city resident representative.

While the Trust Fund Board's decision was a setback, it was not a final approval from the DNR.

Contingencies Attached to Final DNR Approval:

1. Review and approval of the lease agreement.
2. City's acquisition of mitigated parcels within 90 days. This means they have to acquire all properties including those from private owners who may or may not be willing to sell.
3. Harbor Shores must report annually to the Trust Fund Board.
4. Completion of pathway to link Benton Harbor with JKP.

Also, Harbor Shores has yet to receive permits and approval from the National Park Service, the Department of Environmental Quality and the Army Corp of Engineers.

Things That Still Need to Happen:

- Approval is required from the National Park Service who issued a Land and Water Conservation Fund grant for the improvements that were made in the park. This grant has strict prohibitions on conversion of properties who receive these types of grants.
- The DEQ has not approved all permits for this complex development as it spans an enormously large and diverse area of natural features.
- Harbor Shores still needs to acquire permits from the Army Corps of Engineers.

- Also in question is the environmental quality of the proposed mitigated sites, especially the area near the former Aircraft Components site.

August 22, 2006

The City of Benton Harbor held four comment and review hearings regarding the proposed 3 golf holes located in Jean Klock Park. They were held at two locations with two separate meeting times. At one of those meetings a member of the Friends of Jean Klock Park revealed to the audience the recently discovered information that a Jack Nicklaus Signature Golf Course does NOT require a water view to qualify as a "Signature" course as Harbor Shores Community Redevelopment has claimed.

August 16, 2006

Benton Harbor residents and some individuals from the Friends of Jean Klock Park once again attended the Michigan Natural Resources Trust Fund Board meeting in Lansing to reiterate their opposition to the Harbor Shores golf course development within Jean Klock Park. On the agenda and also attending were members of Harbor Shores Community Redevelopment Inc. They did not submit a conversion request and were not there to ask for approval; instead they were requesting a "special meeting" in September with the Trust Fund Board, inviting them to Benton Harbor for that purpose. The Chairman of the Trust Fund Board did not make a decision on that meeting and advised Harbor Shores not return before the board until their proposal is complete.

Prior to this meeting we discovered the actual requirement for a Jack Nicklaus Signature Golf Course was acreage and that a water view is NOT a requirement as the residents of Benton Harbor and the Friends of Jean Klock Park have been told. We informed the trust fund board members of this and the fact that the developers have been asked to find alternatives to building this course without using the park but that they have maintained that a Jack Nicklaus Signature golf course requires a water view and without the dunes of Jean Klock Park that this course would not be designated a "Signature" course. Our revelation was not disputed by the attorney representing the City of Benton Harbor in the Harbor Shores proposal and was taken note of by the MNRTF Board.

In addition, the attorney representing the City of Benton Harbor and Cornerstone Alliance was questioned by a trust fund board member about his claims at the **June 15, 2005 MNRTF Board meeting** [See pages 15-16 of PDF or text excerpt below] that there was no opposition to the conversion and mitigation (land swap) of the 4.1 acre parcel of Grand Blvd., residential development. He was then informed that the at the April 19, 2006 meeting Board members had learned otherwise from Benton Harbor residents who attended that meeting and that the residents were unaware of the process and had not been openly informed of that process and the approval by the Board for the conversion and mitigation.

As he stated at the February 22, 2006 MNRTF Board meeting, [see below] the City's attorney reiterated that Jean Klock Park property contained 90 acres. We believe this was a deceptive statement intending to make the park appear to be larger than it actually is. The truth is, only 73 acres remain of

Jean Klock Park due to the removal of several acres in the early 1950's in order to accommodate the M-63 cloverleaf, and the mitigation of 9 additional acres of parkland in 2005.

April 19, 2006

Benton Harbor residents along with a Klock family member and individuals from the Friends of Jean Klock Park appeared before the Michigan Natural Resources Trust Fund board to express their opposition to the approved mitigation and conversion of parkland that took place in June of 2005 and to inform the board of the insufficient public notice given to the residents of Benton Harbor.

But most importantly, we were there to express our concerns about further development within Jean Klock Park as we believe the various levels of restrictions on the park such as the original deed of 1917, the Consent Judgement of 2004 and the conversion prohibitions attached to the 1.7M in various grants should be considered binding.

At that time Harbor Shores Community Redevelopment Inc., had not yet submitted a conversion request. We were advised by the Trust Fund Board that the time for the "Friends" to raise objections to the conversion request is once it is made.

Read the **April 19, 2006 MNRTF Board meeting minutes** [See pages 6-7 of PDF]

March 2006

In March of 2006 it was learned that at the June 15, 2005 Michigan Natural Resources Trust Fund Board meeting that the board had been told by the City of Benton Harbor's attorney that there was no opposition to the mitigation and conversion of the Grand Blvd. property and that there had been no letters to the editor. [Read excerpt from meeting minutes below]

This statement was made nearly eighteen months after the Consent Judgement was handed down and the controversy had been forgotten by the public. The Friends of Jean Klock Park were still under a court order not to undermine the project and at the time were unaware of the Trust Fund Board's role in the approval of the conversion.

In addition, during mediation, (and posted on the developer's website) it was indicated to us that the replacement property would be along the Paw Paw River for a canoe livery. Instead, six substandard lots scattered through out the downtown area that were not comparable to the Jean Klock Park property were mitigated for Grand Blvd. Certain city residents learned of this

after the fact and made preparations to attend the April 19, 2006 MNRTF Board meeting.

June 15, 2005 MNRTF Board Meeting Minutes Excerpt:

TF89-114 Jean Klock Park City of Benton Harbor PROPOSED

MITIGATION.

Mr. Wood outlined TF89-114, Jean Klock Park, a proposed mitigation submitted by the City of Benton Harbor. The Board approved a conversion of the project at its June 16, 2004 meeting, contingent upon review and approval by the DNR and Board of adequate mitigation parcels.

The city has provided six parcels that adequately mitigate the loss of some of the upland section of the park. Parcels vary in providing additional water access or recreation opportunities.

At this point, Mr. Geoffrey Fields, attorney for the City of Benton Harbor, provided some additional comments.

Mr. Geoffrey Fields, Attorney for the City of Benton Harbor TF89-114, Jean Klock Park, City of Benton Harbor.

Mr. Geoffrey Fields, attorney for the City of Benton Harbor, outlined some further details for the proposed mitigation of a parcel for TF89-114, Jean Klock Park. He further represents the Cornerstone Alliance, which is the economic development agency in St. Joseph and Benton Harbor.

Mr. Fields stated that the conversion was approved by the Board at the June 2004 meeting, and the mitigation was approved in December of 2004. The city needed to submit surveys so the DNR had accurate information.

Mr. Fields pointed out to the Board that the city has discontinued admission fees to the park. The city has also secured a bid to remove the fence that keeps people from coming into the park. The city is excavating Grand Boulevard. The project that the Board has before them is only one part of Grand Boulevard. Most of the growth has been buried under sand for some time. It goes along Lake Michigan and when it is open, it allows people to drive down to the beach. As it stands now, there is a parking lot about 100 yards away from the beach. M.C. Smith Associates has been hired to develop a plan for recreation uses for the park and Grand Boulevard.

Mr. Fields continued by describing further proposed developments for the St. Joseph and Paw Paw River areas. Plans are being made to open up the Paw Paw River for boat traffic.

Mr. Fields stated that the biggest mitigation parcel proposed is the Riverview Parcel (3.08 acres) and is right next to the DNR's boat launch. It is the city's hope that DNR will be able to expand the boat launch. The city is prepared to either deed the property to the State or create an easement.

Ms. Pollack asked if there was any local opposition to the mitigation. Mr. Fields responded that there was some initial opposition. There was a lawsuit that was filed by the "Friends of Jean Klock Park." The lawsuit was settled in six months. It was established that the protection that everybody wanted in place for the park would not hold up in court. What the city agreed to do is enter a permanent judgment so except for the narrow four-acre strip and one other parcel on the beach, this park is permanent confined to beach and park use. There is a permanent protection and was part of the deal. There still are people who would rather see nothing done to the park, but it has been quite some time since we have seen letters to the editor of the newspaper about

this project.

Ms. Pollack asked if new housing in the City of Benton Harbor is hard to come by and wondered if this mitigation is to allow for new housing. Mr. Fields responded that this would be to allow 27 homes to be built with a lake view. It is the only housing in the city that would be so situated. The city would be getting the majority of the proceeds from the sale. It is estimated that it would increase the State Equalized Value for the residential tax base by over one-third. Ms. Pollack asked if the 27 homes proposed to be built would be gated. Mr. Fields responded no.

MOVED BY MR. GARNER. SUPPORTED BY MR. TORRE. TO APPROVE THE MITIGATION FOR TF89-114, JEAN KLOCK PARK, CITY OF BENTON HARBOR, CONSISTING OF SIX PARCELS DESCRIBED AS RIVERVIEW PARCEL (3.08 ACRES), OX CREEK SOUTH (1.56 ACRES), OX CREEK NORTH (0.53 ACRES), CITY CENTER PARCEL (1.35 ACRES), HARBOR TOWN 1 PARCEL (1.64 ACRES), AND LIBERTY THEATER PARCEL (0.41 ACRES), TOTALLING 8.57 ACRES WITHIN THE CITY OF BENTON HARBOR. THE LAND WITHIN THE BOUNDARIES OF THESE PARCELS WILL BE ENCUMBERED AND ALL OBLIGATIONS UNDER THE MNRTF PROGRAM WILL TRANSFER TO THE MITIGATION PARCELS.
PASSED.

Reference: June 15, 2005 MNRTF meeting minutes [See pages 15-16 of PDF]

February 22, 2006

The attorney representing the City of Benton Harbor provided the Michigan Natural Resources Trust Fund Board with a preview of the proposal for a golf course within Jean Klock Park. In his statements he tells the Board that there are approximately 90 acres of parkland within the boundaries of Jean Klock Park. We consider this a blatant deception to the Trust Fund Board as the attorney knows full well that there are only 73 acres left to Jean Klock Park due to MDOT using approximately 7 acres for the cloverleaf interchange on M-63 in the late '40s, early '50s, and the mitigation of 9 acres of parkland resulting from the Settlement Agreement in December of 2003 and Consent Judgement of January 2004.

Read the February 22, 2006 MNRTF meeting minutes. [See pages 4-6 of PDF]

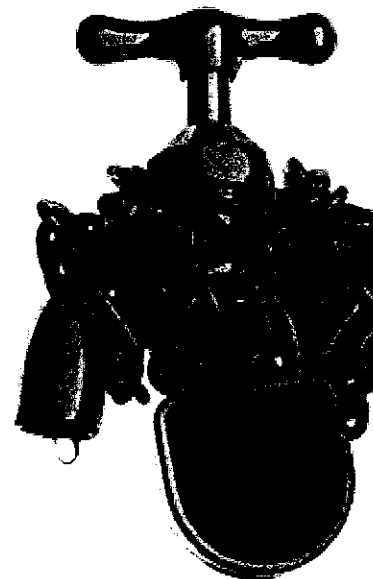
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Pontiac, Michigan's Emergency Financial Manager Undermines Residents' Right to Water

By Kate Fried

Be honest—this morning when you first turned on the tap to hop into the shower, make coffee, or engage in one of the other countless everyday tasks that requires water, you probably didn't take a moment to reflect on the fact that clean water flowed from the faucet. No, you turned on the tap and beautiful clear liquid flowed from it—just like it did countless other times, as you've come to expect as a resident of a developed nation. Because that's what happens when we take a resource for granted—we cease to think about it until something goes horribly wrong.

Well, if you live in Pontiac, Michigan, that day may be lurking right around the corner. A while back, the state appointed an Emergency Financial Manager to help whip the city's troubled finances into shape. Last year, the manager handed the city's water and sewer systems over to United Water, which if you follow such matters, you know has a track record of raising consumer rates and providing unreliable service. It was also charged with conspiracy and felony violations of the Clean Water Act in a 26-count indictment



in Gary, Indiana last year.

Its performance in Pontiac hasn't been terribly illustrious either. So far the Emergency Financial Manager has raised the price of drinking water for consumers by five percent, and sewage service by 14 percent. Additional increases are expected in 2012.

And now, it appears that the situation may worsen. The Emergency Financial Manager authorized that effective next month United Water will deny service to anyone who fails to pay their water bill. With nearly a third of Pontiac living below the poverty line, the prospect that some won't be able to pay their water bills is a very real one, especially if rates continue to increase. So if you're poor and living in Pontiac, cross water off the list of basic human rights you'll be able to enjoy.

So far few have taken note of this situation, except for some financial gurus, who expect this strategy to raise money for the city

. I guess it hasn't occurred to them that people don't pay their water bills because they can't afford to, so threatening service cutoffs is unlikely to bring in much money.

Luckily, there may be a happy ending for some in all this gloom. Activists in Michigan are close to getting a referendum on the November ballot that would repeal recent changes to the state's Emergency Financial Manager law. If those changes are repealed, emergency financial managers would no longer have sweeping authority over city finances and operations, and other cities would not have to suffer the same fate as Pontiac.

For more information visit Michigan Forward

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March 26, 2012 11:12 AM

Pontiac financial manager denies Silverdome tax break request

 Like 1

(AP) — Pontiac's emergency financial manager has rejected a request from the owner of the **Silverdome** for a tax break to help fix up the former home of the **Detroit Lions**.

The Detroit News and *The Oakland Press* report Lou Schimmel said Monday the group didn't reveal planned major renovations for the facility or property. He said the proposal included a list of \$4.6 million in maintenance projects and said it would cost \$100 million to fix up the stadium.

Schimmel has said the city currently gets \$95,000 a year in taxes for the property. Earlier this month, **Triple Investment Group** said it was seeking the break.

A message seeking comment on behalf of the owner was left Monday by The Associated Press.

The Silverdome was home of the Lions until 2002.

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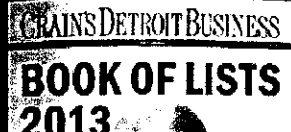
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IS EMERGENCY MANAGER A DICTATOR IN BENTON HARBOR?



CONTRIBUTION

By Marcus Muhammad*Image obtained from internet; no photographer credited

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BENTON HARBOR (MICH.)-Michigan's Gov. Snyder and state legislature are trying to cook up another way to continue the reign of emergency manager dictators now that the people have voted them down.

The following list details how the Benton Harbor EFM, Joseph L. Harris, has worked to take down the city. And he's backed by the governor 100%.

Further details will be discussed at the November 19, 2012 Benton Harbor City Commission meeting.

10. Inaccurate & deceitful communications: Mr. Harris has repeatedly proclaimed in public meetings, to the media, to elected leaders and staff, and to state officials that the City of Benton Harbor had a "Balanced Budget & Cash Surplus." The 2011 Audit recently revealed that the city actually had a budget deficit of approximately \$565,000 dollars under Mr. Harris' leadership in 2011. Meanwhile city contractors and/or vendors are not being paid in a timely fashion. Mr. Harris has either (A) intentionally deceived the citizens and stake holders or (B) his ignorance regarding the true fiscal condition of the city confirms his incompetence.

9. City sued due to non-payment: Mr. Harris negotiated and executed a very poor contract with Benton Township without input or conversation with city executive senior staff, elected leaders, or key community stake holders and/or customers. The contract (A) forfeited in excess of three hundred thousand dollars of receivables due to the City of Benton Harbor from Benton Township while (B) agreeing to make monthly payments to the township that are not fiscally cost prohibitive based upon water revenues. Mr. Harris signed this agreement and accepted a settlement of approximately \$300,000 dollars for a debt owed of more than \$700,000. He denied the monies were owed, then agreed to a meeting with Benton Township officials to discuss the matter and at that meeting it was disclosed that Mr. Harris had settled the matter for less than fifty cents on a dollar. It was also disclosed that he accepted and deposited a check from Benton Township that he did not remember. All of this occurred while he failed to increase the water rates in a timely manner as required according to the City's State Bond Agreement. Benton Township is now suing for the unpaid portion of this terribly suspect contract.

8. Gross Fiduciary Negligence: Mr. Harris failed to exercise the City's rights under the terms and conditions of the HUD 105 Business Development Loan program contract to collect the nearly \$500,000 dollars in loan defaults accrued by three companies. Mr. Harris failed to take any legal remedy to collect the unpaid loans while agreeing to a settlement to pay the defaulted loan balances back to the federal government 100% plus interest and penalties. As per the HUD contract Mr. Harris could have (A) sued the companies in default, (B) placed liens on the company's property. There were other legal remedies available under Michigan state law that Mr. Harris could have pursued, yet refused to. Consequently because of Mr. Harris' negligence these companies were able to liquidate and sale real property and other assets and keep 100% of the proceeds without repaying a single dollar to the City of Benton Harbor on what is still a pending outstanding obligation. One of the companies sold property to Cornerstone Alliance for an amount sufficient to repay the City the outstanding 105 loan balance in full.

7. Wasteful spending: Mr. Harris has unilaterally decided to squander limited city resources during this fiscal crisis on frivolous and unnecessary items such as (1) I love Benton Harbor souvenir cups and T-Shirts, (2) Ice Skates, (3) Ice skates, (4) unused vehicles, (5) furniture, (6) remodeling, (7) playground equipment (8) water fountains, (9) excessive raises and salary increases, and much more. All though Mr. Harris is required by law to provide financial reports regularly, City officials have been unable to secure any aging reports that substantiate or confirm the magnitude and/or depth of the wasteful spending and delinquent bill payment. Mr. Harris' refusal to comply with Public Act 4 and provide the types of period and critical financial reports is completely unacceptable and a clear abuse of power.

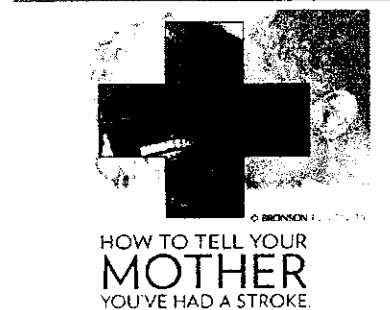
6. Negligent Management of NSP Grant Funding: Prior to Mr. Harris' arrival the City was the recipient of a NSP grant of nearly \$4 million dollars. NSP was created to (A) clean up blighted neighborhoods, (B) stimulate local & minority small business contracting and (C) housing development and (D) create jobs under the HUD Section 3 program. Mr. Harris abdicated, relinquished and/or forfeited the City's moral and contract obligations to Harbor Shores, Cornerstone Alliance and/or Michigan Works. These three entities are amongst the City's wealthiest and most privileged people and/or companies in Benton Harbor and surely were not the type of people or organizations NSP was intended to help. Mr. Harris placed the City grant in a "use it or lose it" situation regarding the NSP funding by failing to administer, implement and obligate the grant funds in a timely manner. Consequently, at the zero hour the decision was made to grant the funds to the wealthy and to complete Harbor Town and the Fire House developments both owned and managed by Corner Stone Alliance. Neither project is expected to produce any meaningful sustainable jobs or any significant affordable housing for the City of Benton Harbor or it's residents.

5. The Closing of 200 Paw Paw (Carl Brown Economic Development Center): It is unconscionable that during the biggest economic boom the City of Benton Harbor has seen in 50 years the city economic development center and incubator is closed. There were more than one dozen small, local, minority businesses prepared to lease 100% of the facility. The city is able to provide Community Development Block Grant (CDBG) funding to each small business sufficient to cover their annual budgeted rent requirements for the year, thus making the facility operationally and fiscally viable.

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Therefore, the City had the ability to incubate businesses, create jobs, and sustain the operations of 200 Paw Paw 100% with city CDBG grant funding, yet Mr. Harris chose to close the facility.

4. Failure to collaborate with elected leaders regarding the Community Benefits Package (CBP) grant funding: Not only has Mr. Harris failed to collaborate with the city commission, he has shirked in providing transparency and accountability. The entire process has become politically toxic. Mr. Harris' unilateral attitude has caused embarrassment to Whirlpool Corporation and the City of Benton Harbor.

3. Political liability and antagonism: Mr. Harris is condescending and confrontational in his communication style which has alienated critical elected leaders, corporate leaders, tax payers and other key stake holders in Berrien County. Mr. Harris has fueled a new era in Benton Harbor's fiscal and cultural isolation. The most recent evidence of his alienating and antagonist style is his refusal to participate in the Berrien County CEO monthly meetings. This forum is not only a critical exchange of ideas and/or resources, it is an opportunity to mend the social fiber of local municipal governments. Mr. Harris has caused the relationships with other municipal leaders and elected officials in Berrien County to become strained, divisive, and counterproductive.

2. Fiscal Failures: Mr. Harris has had a multitude of fiscal failures since his arrival to Benton Harbor. The most recent and perhaps most significant was his failure to post the city tax mileages on the November 2011 ballot for resident vote and approval. This error of omission will likely create an opportunity lost for the City of Benton Harbor in excess of a million dollars. Mr. Harris is now attempting to illegally impose taxes on the resident of Benton Harbor because of his gross negligence.

Does an Emergency Manager have the authority to impose taxes?

Ans: No. Neither an Emergency Financial Manager, nor the Local Emergency Financial Assistance Loan Board, have the power to impose taxes, over and above those already authorized, without approval at an election of a majority of qualified electors voting on the question.

The EFM does not have the authority to impose a Special Assessment. This is a classic case of Taxation without representation. The people already voted NO to the mileage renewal. This is another colossal mistake being executed as a result of horrific management.

1. Failure to prepare and/or train local elected leaders to competently manage Benton Harbor:

The number one reason Mr. Harris is clearly not the professional for the Emergency Financial Manager position is based upon his well-publicized and absolute refusal to work with the City's elected officials. How do you profess your desire to put the city back on solid fiscal ground and simultaneously refuse to work with the people tasked with sustaining the operations after your departure? Mr. Harris has resorted to unprofessional insulting remarks to elected leaders and staff. Engaging, training and supporting local elected leadership should be a mandatory responsibility of an EFM. Bringing the local leadership to competency and consensus is on the City's critical path to recovery.

Since Mr. Harris arrived in Benton Harbor the city operating deficit, list of unpaid payable and pension (s) plan deficits have increased significantly. Elected leaders, citizens, and stake holders are all getting less information than they ever have received from the city finance department. The information that has been received has proven to be largely false and/or inaccurate.

Several lawsuits and unpaid vendors have now surfaced. The staff morale is at an all-time low. Staff competency and training is nearly non-existent. Relationships with neighboring municipalities and corporate leaders have been severely strained. Public procurements and new hires processes in city government under Mr. Harris' leadership have consistently violated state and federal regulation. Mr. Harris has manipulated public procurements and hiring by lowering standards and qualifications to justify his personal preferences and selections. Many qualified applicants and candidates for Senior Executive Staff positions have been ignored and/or rejected due to Mr. Harris' personal preferences.

If the officials in Lansing truly have Benton Harbor's best interests at heart, they must remove Joe Harris immediately for negligence, false statements, federal & state procurement violations, increasing the budget deficit, failure to act on correcting the pension deficits, and default in duty.

Benton Harbor should return to the power of democratic self-rule, just as "free" people the world over experience government. Benton Harbor has had enough of a governor-imposed, grossly incompetent dictator.

Respectively submitted,

Marcus Muhammad
Commissioner-at-Large
mmuhammad@thecityofbentonharbor.mi.gov

bhbanc.org

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Bryce Covert: Labor Secretary Pick a Champion for Domestic Workers' Rights



The Scandal of Michigan's Emergency Managers

Chris Savage February 15, 2012 | This article appeared in the March 5-12, 2012 edition of The Nation.

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Joe Harris, state appointed emergency manager in Benton Harbor, Mich., unlocks the door of the city manager's office. (AP Photo/Charles Rex Arbogast)

On January 20 the progressive think tank Michigan Forward and the Detroit branch of the NAACP sent a joint letter to Michigan Governor Rick Snyder expressing concern over Public Act 4, the Local Government and School District Fiscal Accountability Act. Signed into law in March 2011, it granted unprecedented new powers to the state's emergency managers (EMs), including breaking union contracts, taking over pension systems, setting school curriculums and even dissolving or incorporating municipalities. Under PA 4, EMs, who are appointed by the governor, can "exercise any power or authority of any officer, employee, department, board, commission or other similar entity of the local government whether elected or appointed."

About the Author

Chris Savage

Chris Savage, who is from just outside Ann Arbor, Michigan, is the owner of Eclectablog.com, a progressive news and...

What are the qualifications for such a powerful office and the six-figure salary that accompanies it? Not much: PA 4 requires "a minimum of 5 years' experience and demonstrable expertise in business, financial, or local or state budgetary matters." Last year the state held a pair of two-day training sessions for EMs, both run primarily by companies that provide outsourcing services to municipalities and school districts. Yet PA 4 made the emergency manager the single most powerful person in the city.

Results were swift. In April the Benton Harbor EM, Joe Harris, decreed: "Absent prior express written authorization and approval by the Emergency Manager"—himself—"no City Board, Commission or Authority shall take any action for or on behalf of the City whatsoever other than: i) Call a meeting to order, ii) Approve of meeting minutes, iii) Adjourn a meeting." The move in effect abolished Benton Harbor's elected City Commission and replaced it with an unelected bureaucrat, perhaps the first time this has happened in US history.

The implications went beyond Benton Harbor. "Since the beginning of your administration, communities facing or under emergency management have doubled," Michigan Forward and the NAACP wrote to the governor, citing a "failure of transparency and accountability" in the process of determining which jurisdictions need an emergency manager. The financial review team assigned to Detroit, for instance, had recently met in Lansing, nearly 100 miles away—"a clear example of exclusion and voter disenfranchisement," according to the authors. On February 6 an Ingham County circuit judge ruled that the Detroit team's meetings must be held in public.

Of Detroit's 713,777 residents, 89 percent are African-American. The city of Inkster (population 25,369), which recently got an EM, has a black population of 73 percent. Having EMs in both cities would mean that more than half the state's black population would fall into the hands of unelected officials.

...

Everyone agrees that something must be done to "fix" Michigan's struggling urban centers and school districts, although news of a \$457 million surplus in early February prompted the state budget director to declare, "Things have turned." But at what cost? In 2011 Governor Snyder stripped roughly \$1 billion from statewide K-12 school funding and drastically reduced revenue sharing to municipalities. Combined with poor and sometimes corrupt leadership and frequently dysfunctional governments, these elements have brought Michigan cities to the brink of bankruptcy.

Residents of the hardest-hit places have fled if they are able.

The state's first emergency managers—previously known as emergency financial managers—were appointed between 2000 and 2002 by Republican Governor John Engler in the cities of Hamtramck, Flint and Highland Park to prevent them from declaring bankruptcy. Although all eventually left when their job was done—the last in 2009—all three cities are back in the red. In January the Highland Park School District was assigned an EM. (That city—population 11,776—is 93.5 percent African-American.) Others followed, in Ecorse, Benton Harbor and Pontiac, as well as Detroit public schools.

Under PA 4, EMs have proven to be a divisive solution. Outsourcing services to private companies and abolishing collective bargaining takes a page right out of the right-wing playbook: a 2011 report titled "101 Recommendations to Revitalize Michigan," published by the conservative Mackinac Center for Public Policy, calls for ending "mandatory collective bargaining for government employees who already enjoy civil service protections." Many are worried that EMs will hasten the gentrification of places like Benton Harbor, pushing out poor residents to make way for developers. In one of his first acts under PA 4, Joe Harris replaced nine people on the Brownfield Redevelopment Authority and all nine members of the planning commission.

Despite their relatively short history, EMs have a record of abusing their powers. This past summer Arthur Blackwell II, Highland Park's former emergency financial manager, was ordered to repay more than \$250,000 he paid himself. In Pontiac EFM Michael Stampfer outsourced the city's wastewater treatment to United Water just months after the Justice Department announced a twenty-six-count indictment against the company for violating the Clean Water Act.

Multiple efforts are under way to rid Michigan of PA 4. The first is a lawsuit brought in June 2011 by the Sugar Law Center for Economic and Social Justice and the Center for Constitutional Rights challenging the law under the state Constitution. Despite efforts by the Snyder administration to bypass the legal process and force the Republican-controlled state supreme court to hear the case immediately, the lawsuit is pending. Representative John Conyers is pursuing the issue through the Justice Department, arguing that the law's impact on minority populations may violate the Voting Rights Act.

But Michigan Republicans seem to be most concerned about a petition drive, organized by Michigan Forward, seeking a citizen referendum to overturn the law. As of mid-February the petition had more than 200,000 signatures, well over the number necessary to put the law on hold. The group plans to turn in the petitions on February 29. Since PA 4 replaced the law that created emergency financial managers, this could eliminate the positions in Michigan until the referendum is voted on in November.

GOP lawmakers are discussing replacement legislation, with Michigan House Speaker Jase Bolger warning about "the chaos that could ensue if the emergency manager law is suspended." Since Michigan law prevents referendums on appropriations bills, PA 4 opponents fear that any such law will contain an appropriation to make it "referendum proof," a tactic already used by the state GOP this year.

The outcome of the citizen referendum and the constitutional challenges may well determine if laws like PA 4 remain unique to Michigan or become the national standard for dealing with impoverished urban areas. With the Indiana Senate having just passed an emergency manager bill of its own, we may be heading down that path.



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deanrd

Have any of these "emergency managers" worked out so far? Taking away democracy and replacing it with Republican shills? Every time you let the right wing run anything, it always ends up in scandal and fraud and criminal charges. They just can't seem to help themselves.

pvitale49

Since EM's are so unpopular here what are cities like Detroit or Pontiac supposed to do to survive corruption and money mismanagement when they are broke???

obbop

"There's class warfare, all right, Mr. (Warren) Buffett said, but it's my class, the rich class, that's making war, and we're winning"

"My friends and I have been coddled long enough by a billionaire-friendly Congress." - Billionaire Warren Buffett, in a New York Times op-ed on Aug. 15.



There has been class warfare going on," Buffett, 81, said in a Sept. 30 interview with Charlie Rose on PBS. It's just that my class is winning. And my class isn't just winning. I mean we're killing them."

Despite the constant proclamations and/or denials that the USA is not a class-based society/culture/country the froth-spewing vile disgusting putrid filth politician figurehead lackeys of their ruling class and corporate USA masters constantly vomit-- even a small amount of research will prove the accuracy of Warren Buffett's quotes above.

It IS class warfare and the few atop the socioeconomic hierarchy have used the finest propaganda systems to convince the majority of citizen-sheep that as "things" are is correct and proper.

Obey your masters!!!!

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Harbor, they can take it away in my town.

Bumpa

This should be a matter of outrage for all Americans regardless of the state they live in. PA-4 is a greater threat to America than any terrorism we've faced since 9/11, it is the calculated destruction of representational government forced on the people of Michigan. PA-4 should be considered as a violation of the US Constitution and its perpetrators held accountable for treason.

Eleuthera

This was a very good, well-written article. I hope the author continues to write as many articles as possible on this subject and keep us informed. Hopefully, it will make the progressive news media and the country will wake up to the fact that this phenomenon that is happening in Michigan may come little by little to every state if we don't expose it, and may lead to what amounts to a puppet dictator for every state, city or school district, and what looks like martial law.

Thank you to the author. This is a big story.

Eleuthera

Thank you for this article, and the very informative comments.
I'm wondering how a particular governor like John Engler got the power to create an "Emergency Manager" or Emergency Financial Manager. Do all state governors have this power? What law gives governors the power to do this? I have not heard about Emergency Managers in any other state so far.
I also saw Rachel Maddow cover the EM "takeover" in Benton Harbor last year. A golf course, please - was put there for whom and whose benefit? After that, I began to look and wait to hear more details covered on other progressive news stations, but have heard nothing until recently about the three other cities and two school districts that joined the club - but not on TV. I read about it. This is horrendous. And now, EMs may also be installed in Indiana?
So this is what happens when state legislatures are dominated by repugs. I see footprints and a trail here. But what about states dominated by democrats? Will they stop this cancer? I am so sorry for the people in the cities and school districts in Michigan. They must be so stressed, depressed, and scared out of their minds. I cannot help but think that this is an egregious violation of our rights. What if it spreads throughout all the states?
I noticed that Rachel has not continued to cover the other cities that were taken over by EMs, and when Michael Moore was on her show recently, neither of them talked about it. Their silence spoke volumes. A former Michiganian is now on Current TV. Has anybody heard anything from the anchors on Current about EMs in Michigan?

Beyond The-Spectrum

One of the major reasons I left Benton Harbor (aside from the dismal economic picture) was the overwhelming level of citizen disenfranchisement!

woefatcat

This Golf Course should really be named Whirlpool Executive Retreat. Or the Upton Complex. I am sure ALL families of BH will be able to afford the \$5000.00 yearly fees at this "Public" course.

aznative

Not only did they turn Benton Harbors park into a golf course, they put the only public radio station on ebay, when someone wanted to buy the station to give back to the people, Snyders man decided he had a buyer for the station, himself maybe? Hes not saying. Pig. I hope these people burn in the hell of their own making.

Bumpa

I believe the FCC will have something to say about the sale of the radio station. It's being put on the "auction block" is in violation of Federal laws.

Bumpa

Amen!

thombworks99

I seem to remember the same kind of powers being passed out to cronies in pre WWII Germany, who said 'that' could never happen in America? Anything can happen anywhere, it must be remembered that any massive social change must begin with small steps. Look around, 'Emergency' managers taking over cities, voting rights being infringed, the nations majority being marginalized, etc. The trouble is not down the road, we are up to our knees in it now!

randino

This is a financial version of marshall law. I think the Repubs need to tread very lightly on this issue. It does not require too great an imagination to foresee measures like this sparking insurgencies, unrest, and riots. Sometimes I think the Repubs know they are on the losing side of demographics and they are just determined

More on Emergency Manager Louis Schimmel's decision to forfeit HUD funds for Pontiac

Eclectablog

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Yesterday, **I wrote about** how **Pontiac Emergency Manager Louis Schimmel** signed an agreement with Oakland County to manage monies from a substantial HUD grant. This boneheaded decision, it turns out, would have resulted in **a loss of upwards of \$800,000 per year for Pontiac**. Thankfully, **Congressman Gary Peters** stepped in to prevent this from occurring.

Federal and local politicians lined up Wednesday to announce they undid a move taken by Pontiac's state-appointed emergency manager that would have cost Pontiac thousands in federal funds.

While they were at it, they took time to slam Emergency Manager Lou Schimmel's method of management.

U.S. Rep. Gary Peters, D-Bloomfield Township -- flanked by Oakland County Commissioner Tim Greimel, D-Auburn Hills, Pontiac City Council President Lee Jones and other city officers -- said he prevented Pontiac from missing out on millions of dollars in Housing and Urban Development (HUD) Community Development Block Grant money at risk because of a mismanaged contract signed by Schimmel.

"We had a situation in Pontiac where (Schimmel) was going to shift block grant money away from city to the county," said Peters.

Had the shift occurred, Peters said, it would have meant a "significant loss" of funds -- up to \$800,000 -- to the city.

Peters suggests that Schimmel did this simply to make his own life easier and so that he wouldn't have to deal with management of the grant money. This, he says, is exactly when Emergency Managers are the wrong approach for Michigan.

"Emergency managers come in and are focused on balancing budgets in the short term, and because of that they make decisions that aren't necessarily in the best interest of the city," he said.

"They're interested in taking things off books to make their job a little easier. That maybe be good for them but it's not good for the city.

"It highlights why we have to have elected officials, accountable to the people."

Meanwhile, Lou Schimmel is defending his decision, even while **he admits it would hurt Pontiac financially.**

Yet Schimmel said his decision was his only option at the time, and necessary to preserve any part of a program that has been cited repeatedly for actions such as paying service providers for work that could not be verified and shoddy record-keeping.

He said HUD deadlines forced his hand -- **he did not want to have the city administration involved in mismanaging funds continue to be responsible for them.**

"HUD made the recommendation," Schimmel said. "It did mean we'd lose some funds to have good management. Oakland County runs a stellar program."

What's odd about this statement is that Schimmel is actually the person in charge of managing the funds now. He is in complete control over the government of Pontiac.

The Huffington Post has more from Congressman Peters:

Peters, who has publicly opposed Michigan's emergency manager law, sees Schimmel's handling of federal funds administration as part of a larger problem with emergency managers.

"Replacing democratically elected officials with an emergency manager creates an environment where decisions are made with no accountability and no commitment to the long term benefit of the city," Peters said. "The governor can appoint an emergency manager, but he can't guarantee that his decisions are in the best interests of Pontiac residents."

Schimmel, who has managed Pontiac since September, is not the first emergency manager to have his cost-cutting strategies questioned. Last week, Michigan Radio reported that an independent audit of Benton Harbor, controlled by Emergency Manager Joe Harris, showed a large deficit there: The city spent about \$653,000 more than its operating budget in fiscal year 2011.

HuffPo also discovered that Schimmel could actually still reject this plan.

According to Laura Feldman, public affairs specialist for HUD's Midwest region, Schimmel has until Friday to decide whether to go forward with a cooperative or joint agreement that will determine how the Pontiac's HUD funds for 2012-2014 will be allocated.

"HUD, Pontiac and Oakland County are only exploring the options at this point," Feldman wrote in an email to HuffPost. "HUD is making sure that the Emergency Manager has a clear understanding of all the options available."

Pontiac already lost nearly a half million dollars in its grant allocation last year due to cuts in the block grant program. Louis Schimmel could potentially make that well over a million dollars per year. It's not in his job description to ensure the future economic revival of Pontiac or to work to build up the neighborhoods and housing stock. His job is to balance the books and leave. This is exactly the point I have made repeatedly: **Emergency Managers do not solve the problems that created the financial emergency in the first place. They simply put a band-aid on a gaping wound and leave. It's also exactly the reason why all three Michigan cities that have seen Emergency Managers come and go are back in dire financial straits again.**

I am often told that I should shut up about this if I don't have the solution to offer myself. My response is this: I don't have to have the solution to know that *this* solution is wrong just like if I eat food that tastes bad, I don't have to know how to make the food taste good myself to know that it's bad.

With Emergency Managers, all I have to do is look at the results: stripping away local democratically-elected representation, a disparate impact on minorities, and clear, obvious evidence that Emergency Managers not only don't work but that they often make decisions that aren't in the best interests of the municipality in their rush toward "efficiency". Looking at this empirical evidence tells me that *this* solution is disqualified -- it, in fact, simply is NOT a solution at all.

Emergency financial managers in Michigan cities bringing big sacrifices, some success

*By Bill Laitner, Melanie Scott Dorsey and Matt Helms Detroit Free Press Staff Writers Filed Under Local News
Michigan news Flint Pontiac Jennifer Granholm
Mar. 24*

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As Detroiters brace for the possible appointment of an emergency financial manager, they can look at half a dozen cities around Michigan to see how life has changed under these state-appointed financial bosses.

Emergency financial managers have been on the job for years in Benton Harbor, Ecorse and Flint. Early last year, a manager was appointed for the Highland Park public schools, and in October, one was appointed for Allen Park.

But some of the biggest changes have come under managers who have led the City of Pontiac for four years.

"Nothing is owned by the city anymore -- all of the departments were privatized" -- and none of the three managers has kept the council adequately informed, hampering their attempts to aid residents, said Pontiac Councilwoman Mary Pietila.

Empowered to make deep budget cuts, slash staffs -- even eliminate entire departments -- emergency financial managers typically are derided before they arrive and snubbed by local officials and employees after their appointments. The same local officials and employees can lose pay, benefits and often their jobs outright under the newcomer.

Here's a look at how some cities have fared under emergency financial managers.

Pontiac changes course

For years leading up to their first of three emergency managers, members of the Pontiac City Council vigorously opposed having an emergency manager, claiming their city didn't need one. Yet, by mid-2008, Pontiac accumulated a general fund deficit of \$7 million and a staggering \$115 million in long-term debt, according to state documents.

The first of three managers in succession was appointed in May 2009 by former Gov. Jennifer Granholm. Since then, Pontiac has made major progress toward balancing its books, so much so that emergency financial manager Louis Schimmel told city officials last week that he hoped to be gone by June 30.

"I had an agenda before I walked in here, and I've got 95% of it done," Schimmel said Friday.

The city's first two emergency financial managers made limited progress and infuriated residents by selling the Silverdome for what seemed like a pittance -- about \$580,000, said Mayor Leon Jukowski. In contrast, Schimmel avoided secrecy and tried to work with local officials, Jukowski said.

"If the state picks the right person who says, 'I'm willing to work with the local officials,' it can really help," Jukowski said.

But most of Pontiac's City Council members repeatedly have said they don't accept Schimmel's authority and won't cooperate, according to council minutes. Several of them joined a crowd that picketed last year in Ann Arbor outside Gov. Rick Snyder's house, protesting Michigan's Public Act 4 that empowered emergency managers to tear up union contracts.

Neither Pontiac City Council President Lee Jones nor President Pro Tem Patrice Waterman returned phone calls seeking comment. But Pietila said that police response times have improved under new management.

"I won't deny that," she said, adding she has "very mixed feelings" about other changes made by the emergency managers.

City Finance Director John Naglick said other changes include:

- The police department was disbanded in favor of a contract with the Oakland County Sheriff's Office, saving Pontiac more than \$2 million a year while dropping average 911 response times from an hour to less than 10 minutes.
- Fire service is now provided under contract by neighboring Waterford, saving an additional \$6 million annually.
- Water and sewer utility was sold to the Oakland County Water Resources Commission for \$55 million, with the proceeds used to retire most of the city's debt.
- Most city services were outsourced to the county or to private contractors, dropping the municipal employment roll from 900 a decade ago to 74 this year.

Resident Judith Hainaut said she's deeply conflicted about the state's takeover of Pontiac. She said she finds the idea of an unelected manager undemocratic.

"I think the real force behind it is privatization and profit," she said Friday in the living room of the home she bought in 2000 for \$59,500 and spent another \$50,000 remodeling. It was valued at \$11,000 in her latest city assessment.

"On the other hand, I see the City Council as being totally dysfunctional," said Hainaut, a retired senior designer for GM.

Doing 'less with less'

Head north from Pontiac on I-75 about 40 miles and the city of Flint looks like a mini-Detroit.

Both have aging populations, high crime and unemployment rates. Both have had a foreclosure crisis, which in Flint helped to shrink the population to 102,434 in 2010, a loss of 18% from the 124,943 in 2000.

Mayor Dayne Walling had just been re-elected after serving out the last two years of the previous mayor's term when an emergency financial manager was appointed in 2011.

"We faced and still face a lot of the same problems as Detroit," including plummeting property-tax revenues, a torrent of deficit spending on skyrocketing labor costs and widespread abandoned property as businesses and homeowners fled to the suburbs, he said.

In 2006, Flint operated at a \$6-million surplus, and yet, four years later, the city was \$48 million in the red, Walling said. The rapid change of fortune followed the housing meltdown, he said.

"At that time, there wasn't the level of cooperation we needed from the City Council or from the union officials" to reach a balanced budget, Walling said.

Since the first of two emergency financial managers was appointed in December 2011, Flint has made deep cuts in personnel, and major cuts to the pay and benefits of those who remain, Walling said. Also taking a deep hit was public safety, despite the city repeatedly leading the nation in violent crime.

"Five years ago, we had 280 sworn police officers. Now, we have approximately 120," Walling said. Flint's government has not become more efficient, just smaller, Walling said.

"Unfortunately, we're doing less with less," he said. Once massive debts are paid, "my goal is to bring the service levels back up," he said.

Ecorse's tough choices

Just a few miles south of Detroit, the Downriver community of Ecorse tried unsuccessfully to stave off an emergency financial manager in 2009 as the city faced a \$9-million deficit and an FBI corruption probe that led to prison time for former Mayor Herbert Worthy and former city controller Erwin Hollenquest.

During the summer of 2009, the City Council and mayor tried to come up with a plan to eliminate the deficit but could not agree how. By September 2009, Granholm declared a financial emergency. In October 2009, Granholm appointed Joyce Parker as emergency financial manager.

The appointment takes away local control and the decision-making from the mayor and the council, but she made tough decisions that in some cases the mayor and council were unwilling to make," said current Ecorse Mayor Darcel Brown, who was on the city council when Parker was appointed.

Some of those tough decisions included layoffs of department heads, a reduction in hours for employees as well as health care changes. Parker also instituted furlough days. The mayor and council also took 80% cuts to their salaries, Brown said.

Another tough decision was the 10.4-mill special tax assessment in 2010 that raised about \$1.5 million for police and fire services and drew ire from residents.

Despite the decisions, Brown said Parker kept the lines of communication open with residents and the city's top officials.

"I think it's a positive thing to keep a good relationship with the mayor and council because there would be a lot of issues that she may not have known about without that relationship," Brown said.

Some residents said they were skeptical of an emergency financial manager but slowly warmed to the idea.

"When you hear the emergency financial manager, you think you have no control because this stranger comes in and makes decisions -- not the people you voted for," said Tiffany Jones, 32. "In this case, there were a lot of community meetings and we were allowed to give input, so that made it better."

The city also was able to issue bonds under the Home Rule Act to pay off millions in court judgments after Parker lobbied for the legislation, which kept residents from substantial tax hikes. The legislation allowed a third party to collect property taxes to pay the debt service on the bonds first, with the remaining revenue going to the city.

Brown said the city now has a \$2.4-million surplus and Parker is expected to end her job in March.

"I think she's been successful in the job," Brown said. "I haven't agreed with every decision, but with a majority of the decisions, you can see that the city is able to move forward."

Allen Park sought help

Although most communities try to avoid the appointment of an emergency financial manager, officials in the City of Allen Park welcomed one.

When officials discovered the city's \$19-million budget for 2012-13 had a \$4.2 million shortfall because of plummeting property values, rising costs and \$2.6 million in annual bond payments for a failed movie studio, they knew they needed help.

City officials sent a letter to the state last March requesting a financial review.

By October, Snyder had appointed Parker as emergency financial manager.

"The first thing any council or mayor notices is that everything that comes from the emergency financial manager is an order," said Allen Park Mayor William Matakas. "The mayor and council typically work by resolutions."

Parker said she plans to cut the mayor and council's salaries by 50% and cut wages for city employees by 10%. A plan to not fill nine police staff positions will save the city about \$722,000. Other plans include privatizing trash pickup and finding revenue through land sales.

Many residents blamed the city's financial crisis on a failed movie studio.

The city sold \$25.3 million in long-term, general obligation bonds in October 2009 to purchase 104 acres at 16630 Southfield to create the Unity Studios & Village project. The city paid \$10.8 million more than the property had been valued. The Securities and Exchange Commission and the FBI are investigating the purchase. The \$2.6-million annual debt payment comes out of the city's general fund.

Since Parker's appointment, she has met with residents in town hall meetings.